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THE IOWA JOURNAL OF HISTORY  
AND POLITICS





THE  
IOWA JOURNAL  
OF  
HISTORY AND POLITICS

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**THE IOWA JOURNAL OF HISTORY AND POLITICS**

**JANUARY NINETEEN HUNDRED NINE**

**VOLUME SEVEN NUMBER ONE**



## BOUNDARY HISTORY OF THE COUNTIES OF IOWA

In another paper where the writer has described historically the formation of counties in Iowa the subject of boundaries was treated in a general way.<sup>1</sup> It is the object of this paper to trace the boundary history of each county separately. The discussion centers, in each case, about the establishment of the county and any alterations made or proposed in its boundaries. In addition to this it has seemed wise to note the older counties from which each new county was carved either in whole or in part (See Map II.) and also to indicate the Indian land cessions<sup>2</sup> and reservations to which the territory of each county had belonged. (See Map I.)

It is well known to students of Iowa history that the territory included within the limits of the present State of Iowa belonged to the Territory of Michigan from 1834 to 1836, and to the Territory of Wisconsin from 1836 to 1838; also that the period of the Territory of Iowa dates from 1838 to 1846, and the period of Statehood from the later date to the present time. It has not seemed necessary in the following paper to note which of the foregoing periods the history of each county has spanned. When the date of establishment has been given it is comparatively easy for the reader to determine this matter for himself. Since the first counties were established in Iowa in 1834, it has seemed even less necessary to enumerate the different territorial and foreign jurisdictions of which the territory of the present State formed a part prior to that date.

<sup>1</sup> See article entitled *History of the Establishment of Counties in Iowa* in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>2</sup> A list of Indian land cessions in Iowa accompanies the above mentioned article.

It was customary to attach newly created counties to older ones, at first merely for revenue purposes, later for judicial, revenue, and election purposes. No mention has been made of these attachments in this paper on the ground that such a record belongs more properly to the history of the organization of the counties — a subject to be treated in another paper.

Following the treatment of the ninety-nine existing counties of Iowa will be found some mention of counties which have been blotted out, temporary counties, and proposed counties.<sup>3</sup>

Frequent reference will be necessary to the series of maps<sup>4</sup> which accompanies the writer's former paper, which appeared in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

#### I. THE EXISTING NINETY-NINE COUNTIES

*Adair.*—The boundaries of Adair County were defined by an act of the legislature of the State of Iowa, approved<sup>5</sup> on January 15, 1851.<sup>6</sup> As established at this time they have been permanent.

The western part of the county was carved from the original County of Pottawatomie.<sup>7</sup> The northern tier of townships had formerly been within the borders of the original County of Keokuk. (See Map II.) The northwest corner had been included within both of these counties.<sup>8</sup>

<sup>3</sup> See below p. 116.

<sup>4</sup> See the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, pp. 441-456.

<sup>5</sup> Wherever in this paper a date is given for the establishment of a county it is to be understood, in case of no explanation, to be the date when the act creating the county was approved by the Governor.

<sup>6</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>7</sup> This is the spelling of the act creating the county.

<sup>8</sup> In this paper the original County of Demoiné is not extended across the



The territory in Adair County was not all acquired from the Indians at the same time. The eastern part was ceded by the Sacs and Foxes in the treaty dated October 11, 1842. The western part, after having been once acquired from various tribes by the terms of the treaty of July 15, 1830, was given as a reservation to the Pottawattamie nation on September 26, 1833. It was finally ceded by these Indians in a treaty dated June 5 and 17, 1846. (See Map I.)

*Adams.*—Like Adair, Adams County was created by the act of January 15, 1851.<sup>9</sup> Its boundaries received at this time have never been altered. It was carved entirely from the original County of Pottawattamie. (See Map II.)

The territory included within the limits of Adams County was first ceded to the United States government by the terms of the treaty of July 15, 1830. This cession was made by several Indian tribes which held rival claims to the same region. By treaty September 26, 1833, Adams County became part of a reservation given to the Pottawattamie nation. This reservation was ceded back to the government by the terms of a treaty signed on June 5 and 17, 1846. (See Map I.)

*Allamakee.*—Allamakee County, in the northeast corner of the State, was created by an act of the legislature of the State of Iowa approved on February 20, 1847.<sup>10</sup> Its boundaries as first defined have remained permanent. The territory included within the new county had been so recently acquired from the Indians<sup>11</sup> that it had not yet been

State of Iowa but is limited to the southern part of the Black Hawk Purchase. (See Map II.) If the larger dimensions were given to this early county, it could be said that the three southern tiers of present counties were carved from its original territory.

<sup>9</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>10</sup> *Laws of Iowa*, 1846-1847, p. 81.

<sup>11</sup> October 13, 1846.

surveyed by the United States government. The treaty of cession had not yet been ratified by the United States Senate, nor the Indians removed from the purchase.<sup>12</sup> Because of these facts the act authorized the county commissioners of Clayton to have the boundaries of the new county surveyed and marked off, the lines so established to be recognized until the government survey should be completed. Clayton County was to be reimbursed by Allamakee for the expense incurred.

The southeast corner of the county had been within the limits of the original County of Dubuque. (See Map II.) The same area had, since the act of December 21, 1837, been a part of Clayton County.<sup>13</sup> The remainder was carved from the territory of the original County of Fayette also created in 1837. (See Map II.)

The southeastern part of Allamakee County — the same area as mentioned above — was part of the Sac and Fox cession of September 21, 1832, known as the Black Hawk Purchase. The northwest corner was ceded by various Sioux tribes on July 15, 1830. On the same date the remainder of the county was acquired from the Sac and Fox tribes. (See Map I.) These last two cessions constituted what was called the "Neutral Strip" or "Neutral Ground" of which the most of Allamakee formed a part. The eastern part of the "Neutral Strip" was given by the United States government as a reservation to the Winnebagoes on September 15, 1832. As a result it was again ceded to the United States — this time by the Winnebagoes in the treaty of October 13, 1846. All of the present area of Allamakee, except the southeastern corner, formed part of the Winnebago reservation of 1832 and hence of the cession of 1846.

<sup>12</sup> See section 3 of the act.

<sup>13</sup> See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

*Appanoose*.—Established by an act of the legislature of the Territory of Iowa, approved on February 17, 1843,<sup>14</sup> Appanoose County received its permanent boundaries the day it was established. The territory of the county was entirely within the limits of the Sac and Fox cession of October 11, 1842, and probably all of it lay east of the line which divided that cession into two parts. (See Map I.)

*Audubon*.—The boundaries of Audubon County were first defined by an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>15</sup> As established at this time the county was one-fourth larger than at present, including one range of townships which now belongs to Guthrie County.<sup>16</sup> On February 5, 1851,<sup>17</sup> there was approved an act redefining the boundaries of Guthrie County by extending its western boundary one range farther west. The effect of this act was to reduce Audubon County to its present size, although Audubon was not mentioned in the law. The change was legal, however, since one section of the law repealed all acts or parts of acts conflicting with it. The boundaries received in this way by Audubon County have remained permanent.

The territory within the present limits of Audubon County was formerly part of the original County of Keokuk. (See Map II.) All except the northeast corner was later within the bounds of the original County of Pottawatomie.

The northeastern part of Audubon was included within the limits of the Sac and Fox cession of October 11, 1842. The bulk of the territory of the county was ceded to the

<sup>14</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

<sup>15</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>16</sup> See Maps XI and XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>17</sup> *Laws of Iowa*, 1850-1851, p. 194.

United States government by various Indian tribes as early as July 15, 1830. The same area was included within a reservation given to the Pottawattamie nation by treaty of September 26, 1833, and finally ceded to the United States by the later treaty of June 5 and 17, 1846. (See Map I.)

*Benton.*—As first established Benton County was created by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>18</sup> In its main purport this law was one subdividing the original County of Dubuque. In reality, however, two-thirds of the Sac and Fox cession of October 21, 1837, was also made use of in establishing the new counties named in the act. But even this was not all. Four of the counties, namely Benton, Buchanan, Fayette and Keokuk, included vast areas to which the Indian titles were not yet extinguished. This makes the act of December, 1837, peculiar in character since, as a rule, lands were not included in established counties until the Indian titles were extinguished.

The boundaries of Benton County as given in the law just mentioned were as follows: "All the country lying west of the county of Linn and between the line dividing townships eighty-one and eighty-two north, and the line dividing townships eighty-six and eighty-seven, extended to the western boundary of the territory". The boundaries of Linn County had been defined in the preceding section of the same act, its western boundary being placed on the line between ranges eight and nine west. The "western boundary of the territory" which was to limit Benton County on the west, referred to the western boundary of the Territory of Wisconsin which at this time was the Missouri and White Earth rivers. Benton County, therefore, extended from Linn County across the present State of Iowa to its western border. (See Map II.) As thus constituted it included

<sup>18</sup> *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*



within its borders the territory of Benton, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford, and Monona counties, together with the southern tier of townships in the counties of Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, and Grundy, as these counties exist to-day. (See Map II.) At the time Benton County was established, the Indian titles had been extinguished to only a part of the territory of the present county of that name.

The original Benton was one of the temporary counties several of which were established in Iowa in the early days. Its boundaries were redefined and the county reduced in size by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>19</sup> It was undoubtedly the intention of the framers of this act to give to Benton County its present boundaries, but in attempting to do this an error was made. The boundaries given to the reduced county in section nine of the act read as follows: "beginning at the northwest corner of Linn county, thence west to range (13) thirteen west; thence south on said line to the corner of townships (81) eighty-one and (82) eighty-two of range (13) thirteen and (14) fourteen west; thence east to southwest corner of Linn county; thence north to the place of beginning." According to this description the northern boundary of the new County of Benton was to begin at the northwest corner of Linn County and run "thence west to range (13) thirteen west". This can only mean that the line in question reached to the north and south line which divides ranges twelve and thirteen west. The western boundary line was then described as running from this point south to the corner of townships eighty-one and eighty-two of ranges "(13) thirteen and (14) fourteen west". In other words the western boundary line was to run straight south and yet arrive at a point one township

<sup>19</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

farther west than its starting point. This was clearly impossible and herein lies the error. The eastern boundary of Tama County was also affected. The line between Benton and Tama remained defective until corrected by an act of the General Assembly of Iowa approved on March 22, 1858.<sup>20</sup> By this law the boundary in question was redefined and declared plainly to be the line between ranges twelve and thirteen west of the fifth principal meridian. From this time on the boundaries of Benton County have remained unaltered.

The territory of the present county of Benton formerly belonged to the Sac and Fox Indians, but it was not all acquired from them at the same time. A narrow, triangular strip in the eastern part of the county, probably four or five miles wide at the northern border and tapering to a point near the southern border, was part of the cession of October 21, 1837. The remainder of the county, about eleven-twelfths of its area, represents the cession of October 11, 1842. (See Map I.)

*Black Hawk.*—This county was created by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>21</sup> Located just west of Buchanan County, its boundaries were described in section eleven of the law as follows: "beginning at the northwest corner of Buchanan county, thence west to range fifteen west; thence south to the corner of townships (86) eighty-six and (87) eighty-seven, of range (14) fourteen and (15) fifteen west; thence east to the southwest corner of Buchanan county, thence north to the place of beginning". From this description it is seen that the boundaries of Black Hawk County were defined in reference to those of Buchanan. The latter county had been established by the act of December 21, 1837, its

<sup>20</sup> *Laws of Iowa*, 1858, p. 240.

<sup>21</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

boundaries reaching clear across the State of Iowa and even into South Dakota. (See Map II.) Those boundaries had never been altered, consequently the act which described the boundaries of Black Hawk County as just quoted, was seriously in error. The northwest and southwest corners of Buchanan were not at all where the act assumed them to be. The intention of the framers of the act was, no doubt, to give to these two counties the boundaries usually accredited to them on county maps of Iowa. Surrounding counties of necessity give them this shape. The boundaries of Black Hawk have never been redefined. Left defective by the act establishing them they remain defective today.<sup>22</sup>

Black Hawk County, as pictured on ordinary maps, was carved from the original County of Buchanan. (See Map II.) Its territory was acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. (See Map I.)

*Boone.*—Boone County was carved from the territory of the original County of Benton (See Map II.) by an act approved on January 13, 1846.<sup>23</sup> Its boundaries as defined in this law have never been altered. An attempt to modify them slightly in 1880 by throwing the town of Sheldahl into Story County proved unsuccessful. (For a fuller account of this attempt see Polk and Story counties below.) The territory included within the limits of Boone County was acquired from the Sac and Fox Indians by the treaty of October 11, 1842. (See Map I.)

*Bremer.*—Created by the act of January 15, 1851,<sup>24</sup> the boundaries given to Bremer County at that time have never since been altered. Its territory had for a time been part

<sup>22</sup> See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>23</sup> *Laws of the Territory of Iowa*, 1845-1846, p. 73.

<sup>24</sup> *Laws of Iowa*, 1850-1851, p. 27.

of the original County of Fayette. (See Map II.) The southern part of the county (about half) had been acquired from the Sac and Fox Indians by the treaty of October 11, 1842. (See Map I.) The northern portion was first ceded by the same tribes on July 15, 1830. It was included within the region called the "Neutral Strip". By a treaty signed on September 15, 1832, all that part of the "Neutral Strip" which lay east of the Red Cedar River was ceded as a reservation to the Winnebagoes. This included most of the northern half of Bremer County. (See Map I.) This same area was ceded back by the Winnebagoes to the United States in the treaty of October 13, 1846.

*Buchanan.*—The original County of Buchanan was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>25</sup> Its boundaries were described in section five of the act just mentioned as including "All the country lying west of the county of Delaware and between the line dividing townships eighty-six and eighty-seven, and the line dividing townships ninety and ninety-one north, extended to the western boundary of the territory". The boundaries of Delaware had been defined in the preceding section of the act, which placed the western line of that county on the line between ranges six and seven west. The "western boundary of the territory" can refer only to the western limit of the Territory of Wisconsin, the legislature of which passed the act just quoted. The western limit of the Territory of Wisconsin was the Missouri and White Earth rivers. The new County of Buchanan extended therefore from the western line of Delaware County clear across the State of Iowa and even into the State of South Dakota. (See Map II.) As thus constituted Buchanan County included all of the territory of

<sup>25</sup> *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*



the present counties of Buchanan and Black Hawk; all except the southern tier of townships in the counties of Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida and Woodbury, together with the southern tier of townships in each of the counties of Plymouth, Cherokee, Buena Vista, Pocahontas, Wright, Franklin, and Butler. The original County of Buchanan was not only one of the largest ever established, either wholly or partially, within the limits of Iowa, but it was also peculiar in its character. In the formation of counties in Iowa the rule has nearly always been to include only those territories to which the Indian title had already been extinguished. The law of 1837 made exceptions to this rule in establishing the counties of Fayette, Benton, Keokuk, and Buchanan.<sup>26</sup> In the case of the latter county the Indian title had been extinguished, at the time of its formation, only from a relatively small part of its territory.

As first established, Buchanan may be called one of the temporary counties of Iowa. It was reduced in size, indirectly and imperfectly, by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>27</sup> This act created nine new counties and altered the boundaries of three old ones, of which Buchanan County was one. Among the new counties named in the act was Black Hawk, in defining the boundaries of which a serious error was made.<sup>28</sup> The law assumed that the western boundary of Buchanan County was the line dividing ranges ten and eleven west and then proceeded to define the boundaries of Black Hawk County in terms of those of Buchanan, the intention being to locate the former immediately west of the latter. In point of fact, however, the original boundaries

<sup>26</sup> See Maps III and IV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>27</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

<sup>28</sup> See above p. 11.

of Buchanan County had never been altered. The western boundary of the county was still the Missouri River, and the attempt to describe the boundaries of Black Hawk as "beginning at the northwest corner of Buchanan County, thence west to range fifteen west", etc., was an attempt to do the impossible. Such a county cannot be drawn upon a map. The intention of the framers of the act, however, seems perfectly clear. The two counties were to have the boundaries given them on all county maps of Iowa today. That the law did not really give to these counties the boundaries usually attributed to them is equally clear. Their boundaries were defined in a defective manner, and, not having been altered by statute, remain defective today.<sup>29</sup> Buchanan County was mentioned only indirectly in the act of 1843. Nothing at all was said about the remainder of the original County of Buchanan, which lay west of the new County of Black Hawk. Technically, the territory west of Black Hawk remained part of Buchanan County until divided up among other counties by later laws.

Assuming Buchanan County to have the boundaries generally attributed to it upon our maps, its territory represents three separate cessions of Indian lands. The eastern part was within the limits of the Sac and Fox cession of September 21, 1832, commonly called the Black Hawk Purchase; the central part belonged to the Sac and Fox cession of October 21, 1837; while the western part was ceded by the same Indians on October 11, 1842. (See Map I.) That portion within the limits of the Black Hawk Purchase was later a part of the original County of Dubuque. (See Map II.)

*Buena Vista.*—The boundaries of Buena Vista County have not been altered since the county was established by

<sup>29</sup> See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS. Compare also the text of pp. 434-435 in the same reference.

an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>30</sup> The southern tier of townships — in other words, the southern fourth of the county — had been formerly within the limits of the original County of Buchanan. The remainder of Buena Vista was part of the original County of Fayette during the existence of that county. (See Map II.) The territory of the entire county was acquired by the United States government by the terms of the treaty of July 15, 1830, when all claims to western Iowa were surrendered by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris and the Santee Sioux. (See Map I.)

*Butler.*—Butler County was one of the fifty new counties established by the act of January 15, 1851.<sup>31</sup> Its boundaries as defined at this time have never been altered. The southern tier of townships was part of the original County of Buchanan while the remainder had been within the limits of the original County of Fayette. (See Map II.)

The territory of Butler County represents two Indian land cessions. The southern third of the county was included within the limits of the Sac and Fox cession of October 11, 1842. The northern portion had been ceded by the same tribes on July 15, 1830, the cession of that date forming part of the so-called "Neutral Strip". (See Map I.) The famous "Neutral Line" passed close to the northwest corner of Butler County.

*Calhoun.*—Created under the name of Fox County, Calhoun was established by an act of the legislature of the State of Iowa, approved on January 15, 1851.<sup>32</sup> Its boundaries as described in this act have remained permanent. The name was changed to Calhoun by an act of January

<sup>30</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>31</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>32</sup> *Laws of Iowa*, 1850-1851, p. 27.

12, 1853.<sup>33</sup> The southern fourth of the territory of Calhoun County had been within the limits of the original County of Benton. (See Map II.) The bulk of the county, however, had been part of the original County of Buchanan.

Nearly all of the area of Calhoun County fell within the limits of the cession made on October 11, 1842, by the Sac and Fox Indians. The northwest corner had been acquired from various tribes by a treaty signed on July 15, 1830. (See Map I.)

*Carroll.*—This county, like those just described, was established by the important act of January 15, 1851.<sup>34</sup> Its boundaries have never since been altered. The entire county comes within the limits of the original County of Benton established by the act of December 21, 1837. The southwestern corner was later included within the territory of the original County of Pottawatomie created on February 24, 1847. (See Map II.)

The relation of Carroll County to the Indian land cessions is rather complex. The larger part of its territory was acquired from the Sac and Fox tribes by the treaty of October 11, 1842. (See Map I.) All that part of the county not acquired at this time had been ceded by various tribes on July 15, 1830. The southwest corner had also been included in the reservation given by the United States government to the Pottawattamie nation in the treaty dated September 26, 1833. The latter area was ceded a second time to the United States — this time by the Pottawattamies — on June 5 and 17, 1846.

*Cass.*—Cass County was erected by the act of January 15, 1851.<sup>35</sup> Its boundaries were defined as follows: “Be-

<sup>33</sup> *Laws of Iowa*, 1852-1853, p. 28.

<sup>34</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>35</sup> *Laws of Iowa*, 1850-1851, p. 27.



ginning at the north-west corner of township 77 north of range No. 33 west, thence west on the township line dividing townships 78 and 77, to the north-west corner of township 77 north of range 37 west, thence south on the range line between ranges 37 and 38, to the south-west corner of township 74 north of range 38 west, thence east on the township line between townships 73 and 74, to the south-west corner of township 74 north of range 33 west, thence north to the place of beginning.” This definition of boundaries contains an error. It concerns the location of the southwest corner of the county and affects both the western and southern boundaries. In the above quotation we read “thence south on the range line between ranges 37 and 38, to the south-west corner to township 74 north of range 38 west”. It is clearly impossible to follow south on the line indicated and arrive at the “southwest corner of township 74 north of range 38 west”. The law should have read *north of range 37 west*. This error has never been corrected. The boundaries of Cass County were defective as first defined, and, since they have never been altered, remain defective today.<sup>36</sup> It is absolutely impossible to draw Cass County on a map according to the boundaries given it in the act quoted above. The counties round about it, however, give it shape, and give it, indeed, the boundaries which the framers of the act no doubt meant it to receive.

The territory which county maps of Iowa accredit to Cass County was ceded to the United States by various tribes on July 15, 1830. It was also part of that area given as a reservation to the Pottawattamie nation by the treaty of September 26, 1833. The whole region was receded to the United States by the terms of a treaty dated June 5 and 17, 1846. (See Map I.) Cass County was also included within

<sup>36</sup> See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

the limits of the original County of Pottawatamie created in 1847. (See Map II.)

*Cedar.*—Cedar County was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>37</sup> Like its neighbors it was carved from the territory of the original County of Dubuque. (See Map II.) Its boundaries first received have remained permanent.

The territory of Cedar County was probably entirely within the limits of the Black Hawk Purchase made of the Sac and Fox Indians by the terms of the treaty of cession made on September 21, 1832. (See Map I.) It is possible, however, that the eastern angle of the Sac and Fox cession of October 21, 1837, was within the limits of Cedar County, in which case, a small portion of its area would have been included within the limits of the second cession.

*Cerro Gordo.*—Located in the northern part of the State, Cerro Gordo County was established by an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>38</sup> The boundaries first given to the county have remained permanent.

The territory of Cerro Gordo was within the limits of the original County of Fayette created in 1837. (See Map II.) Most of the county was ceded by the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Sioux in a treaty dated July 15, 1830. It is possible that the southeastern corner of the county was within the limits of the cession made by the Sac and Fox Indians on the same date. These two cessions made up the so-called "Neutral Ground". The boundary line between the two cessions was very close to the southeastern corner of the county. The

<sup>37</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

<sup>38</sup> *Laws of Iowa, 1850-1851*, p. 27.

northwestern portion of Cerro Gordo was acquired from the various tribes of the Sioux by the terms of a treaty dated July 23 and August 5, 1851. (See Map I.) This was after the establishment of the county.

*Cherokee.*—The story of the boundaries of Cherokee County is a very brief one. Created by the important act of January 15, 1851,<sup>39</sup> its boundaries have never been altered. The territory included within the limits of Cherokee County was acquired by the United States government by means of a treaty dated July 15, 1830. On this date many different tribes ceded whatever claims they had to western Iowa. (See Map I.) The southern tier of townships in Cherokee — comprising one-fourth of the county — was for a time within the limits of the original County of Buchanan. The remaining three-fourths of the county was included within the borders of the original County of Fayette. Both of these counties, established in 1837, were only temporary jurisdictions. (See Map II.)

*Chickasaw.*—The County of Chickasaw was created by the act of January 15, 1851.<sup>40</sup> Its original boundaries extended one-half of a township farther north than its present boundaries. This reduction in the size of Chickasaw was made by an act approved on January 24, 1855.<sup>41</sup> Since the latter date its boundaries have remained permanent.

Chickasaw County was within the limits of the famous "Neutral Ground", the northern half of which, including the northern half of the county, was ceded by four bands of the Sioux in a treaty dated July 15, 1830. The remainder of the "Strip", including the southern half of the present county was ceded by the Sac and Fox tribes on the same

<sup>39</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>40</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>41</sup> *Laws of Iowa, 1854-1855*, p. 185.

date. The eastern part of the "Neutral Ground" was granted by a treaty of September 15, 1832, to the Winnebago Indians as a reservation. Most of Chickasaw County was included. (See Map I.) This reservation was ceded back to the United States by a treaty dated October 13, 1846. The territory of the entire county falls within the limits of the original County of Fayette created in 1837. (See Map II.)

*Clarke.*—As originally created by an act of the legislature of the Territory of Iowa approved on January 13, 1846,<sup>42</sup> the County of Clarke was one-fourth larger than at present. Its eastern boundary was one range, and its western two ranges, farther west than now.<sup>43</sup>

By an act of the legislature of the State of Iowa approved on December 27, 1848,<sup>44</sup> the boundaries of Clarke County were redefined, and the county reduced in size and shifted eastward. Its boundaries have not been altered since. In the printed laws the name of the county is spelled "Clark" in the act of December 27, 1848. This is an error as reference to the original manuscript of the act proves.<sup>45</sup>

Clarke County is within the limits of the Sac and Fox cession of October 11, 1842. It was west of the line of division. (See Map I.) Its soil was to be vacated by October 11, 1842.

*Clay.*—This county was one of the fifty established by the important act of January 15, 1851.<sup>46</sup> Its boundaries as

<sup>42</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>43</sup> See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>44</sup> *Laws of Iowa, 1848-1849*, p. 32.

<sup>45</sup> See volume for 1848-1849 of the original manuscript acts of the legislature of the State of Iowa in the office of the Secretary of State, Des Moines.

<sup>46</sup> *Laws of Iowa, 1850-1851*, p. 27.



originally defined have never since been altered. The territory of Clay County was acquired by the United States government by the terms of a treaty signed on July 15, 1830. On this day several Indian tribes yielded their claims to western Iowa. (See Map I.) Clay County falls within the limits of the original County of Fayette established in 1837. (See Map II.)

*Clayton.*—This county was carved from the original County of Dubuque by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>47</sup> It was the first named among fourteen counties established at this time, and was given the following boundaries: “beginning at the point on the Mississippi River, where the fifth principal meridian intersects the same; thence running south on the said meridian line, to the line dividing townships ninety and ninety-one north; thence west, along said line to the line dividing ranges six and seven west; thence north, along the said line to the neutral ground; thence along the southern boundary of the said neutral ground to the Mississippi river; thence down the middle of the main channel of the said river to the place of beginning”.

The size of Clayton County as first established was about the same that it is today. Its eastern and southern boundaries have never been altered, with the exception that the eastern boundary does not extend so far north today as then. The southern half, or thereabouts, of the western boundary also remains the same. The boundary which differed most from that of today was the northern or, more especially, the northwestern. This line was described as “the southern boundary of the said neutral ground to the Mississippi river”. The so-called “neutral ground” had been ceded to the United States government, partly by the

<sup>47</sup> *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*



Sacs and Foxes, and partly by various tribes of the Sioux, in the treaties of July 15, 1830. The southern boundary of this strip was a line twenty miles to the southward of the neutral line described in the treaty of August 19, 1825. The southern boundary of the neutral ground, which was also the northwestern and northern boundary of Clayton County was not a straight line but a broken one. It was surveyed by James Craig in 1833.<sup>48</sup>

As first established<sup>49</sup> the County of Clayton remained unchanged for nearly ten years. In the meantime the Territory of Iowa was established, to be in turn superseded by the State of Iowa. The act altering the boundaries of Clayton County was passed by the first General Assembly of the State and approved on February 3, 1847.<sup>50</sup> In this law only the northern and western boundaries of the county were redefined, its other boundaries remaining as they were. By the changes made at this time a little territory was lost in the northeast and about the same gained in the northwestern part of the county.<sup>51</sup> The boundaries received by Clayton County in the act of February 3, 1847, have remained permanent.

Nearly all of the present area of Clayton County was acquired from the Sac and Fox Indians, as part of the Black Hawk Purchase, in the treaty of September 21, 1832. (See Map I.) The same area was later within the jurisdiction of the original County of Dubuque. (See Map II.) The northwest corner of the county was within the limits of the Sac and Fox cession of July 15, 1830, and conse-

<sup>48</sup> *18th Annual Report of the Bureau of American Ethnology*, 1896-1897, Part II, p. 727.

<sup>49</sup> See Map III in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>50</sup> *Laws of Iowa*, 1846-1847, p. 37.

<sup>51</sup> See Map IX in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

quently of the "Neutral Ground" of which this cession made up the southern half. The same northwestern corner of Clayton, together with all that part of the "Neutral Ground" east of the Cedar River, was granted as a reservation to the Winnebago Indians, by treaty on September 15, 1832. This reservation was ceded back to the United States by a treaty dated October 13, 1846. (See Map I.) It was in consequence of this cession that the legislators of the State of Iowa were free to add the northwestern corner of Clayton County to that jurisdiction.

*Clinton.*—This county was carved from the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>52</sup> The boundaries received at this time have remained permanent. Clinton is one of the few counties of the State which have two river boundaries.

The territory of Clinton County was acquired from the Sac and Fox Indians by the cession of September 21, 1832, known familiarly as the Black Hawk Purchase. (See Map I.)

*Crawford.*—Crawford County was established by the act of January 15, 1851.<sup>53</sup> As its boundaries were first defined the county was not as large as at present, its western boundary being located one township farther east than now.<sup>54</sup> On April 2, 1862, there was approved an act<sup>55</sup> of the State legislature which provided a general method for the alteration of county boundaries. Provision was made that in case two or more counties desired to change their boundary lines they were to petition their respective boards

<sup>52</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

<sup>53</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>54</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>55</sup> *Laws of Iowa*, 1862, p. 93.

of supervisors to that effect. Such petitions must be signed by more than one-half of the legal voters of each county. Upon receipt of such requests the supervisors were to order a special election upon the proposed changes, which, to carry, must be favored by a majority of the votes cast in each county concerned. In 1865 Crawford and Monona counties, basing their action upon the provisions of this law, altered their common boundary line, moving it one township farther west. This had the effect of increasing Crawford County one-fourth in size. Since 1865 the boundaries of the county have not been altered.

The territory of Crawford County was first ceded by various Indian tribes to the United States by a treaty signed July 15, 1830. The southern part of this cession was given by the United States as a reservation to the Pottawattamie nation on September 26, 1833. The same was ceded a second time on June 5 and 17, 1846. The southeastern corner of Crawford was part of the Pottawattamie reservation and cession, (See Map I), and in 1847 it came also within the limits of the original County of Pottawattamie. The entire county had at an earlier date formed a part of the territory of the original County of Benton. (See Map II.)

*Dallas.*—The boundary history of Dallas County is rather complicated. Created by the act of January 13, 1846,<sup>56</sup> its boundaries have undergone many changes. As first established the county was the same size it is today, but it was located one range farther east than now.<sup>57</sup> The first description of the boundaries of Dallas County contained no errors; that is, the boundaries assigned to the county were definite.

<sup>56</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>57</sup> See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

By an act approved on January 17, 1846,<sup>58</sup> the boundaries of Jasper, Polk, and Dallas counties were redefined. The act of the thirteenth had contained serious errors relative to Jasper County. The act of the seventeenth was supplementary to that of four days earlier. The eastern and western boundaries of Dallas County were each moved one range farther west,<sup>59</sup> giving to the county its present boundaries, indeed, although these were not to be permanent.

Five years later the act of January 15, 1851,<sup>60</sup> established the new County of Guthrie just west of Dallas defining its boundaries in such a way as to allow it to overlap the western range of townships belonging to Dallas.<sup>61</sup> This was probably an error on the part of the framers of the law, as will be shown later. But, if an error was made, it was in the location of the county and not in the description of boundaries, that is to say, the boundaries given to Guthrie County were definite and can be drawn on a map. Although Dallas County was not named in the act, that was not necessary to legally transfer the townships in question to Guthrie. In spite, however, of the fact that this transfer was legal, it is still probable that an error was made by the framers of the act of January 15, 1851, in the location of Guthrie County, that is, in making it overlap Dallas. At any rate, twenty-one days later, there was approved an act<sup>62</sup> supplementary to the one under discussion, by the terms of which the boundaries of Guthrie were defined in such a way that the county was shifted one range farther

<sup>58</sup> *Laws of the Territory of Iowa*, 1845-1846, p. 75.

<sup>59</sup> See Map IX in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>60</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>61</sup> See Map XI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>62</sup> *Laws of Iowa*, 1850-1851, p. 194.



west.<sup>63</sup> That range of townships which had belonged to Dallas County prior to the act of January 15, 1851, and which was given by that law to Guthrie County, was now by the act of February 5, 1851, left outside of the limits of the latter. This territory now reverted to Dallas County, since the act of February 5 contained a section repealing all conflicting acts or parts of acts. Without such a repealing clause the townships in question would not have reverted, now, to Dallas. The only act affected by this repealing clause was the act of January 15, 1851, and this only in the section dealing with Guthrie County.<sup>64</sup> With the repeal of this section, which it will be remembered gave to Guthrie the disputed townships, we are thrown back upon the conditions previously existing. Prior to 1851, at least since the act of January 17, 1846, the range of townships in question had belonged to Dallas County. This leaves no doubt that they reverted to that county after the passage of the act of February 5, 1851. It is interesting, however, to note that on January 19, 1853, there was approved an act<sup>65</sup> by which the boundaries of Dallas were redefined, but not altered, if the argument made above is correct. The very passage of this act, however, shows that its framers had doubts as to just what territories were included within the limits of Dallas County. It is certain that the boundaries of Dallas have been permanent since January 19, 1853, if not since February 5, 1851, as the writer contends.

The territory included in Dallas County was wholly within the limits of the Sac and Fox cession of October 11, 1842. (See Map I.) It also formed part of the original County of Keokuk established in 1837. (See Map II.)

<sup>63</sup> See Map XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>64</sup> Section 17.

<sup>65</sup> *Laws of Iowa*, 1852-1853, p. 65.

*Davis.*—This county on the southern border of Iowa was established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>66</sup> In the definition of its boundaries an error was made, the word “northwest” occurring where northeast was meant. The effect of this mistake was to leave the county without a complete boundary on the northeast.<sup>67</sup> This error was corrected by a law to organize Davis County which was approved on February 15, 1844,<sup>68</sup> and which redefined the boundaries of the county in such a manner that they have remained permanent.

The southeast corner was for a time part of the original County of Des Moines (See Map II.) and later part of the original County of Van Buren. The remainder never formed part of any other county unless we interpret the original County of Des Moines as extending to the Missouri River.<sup>69</sup>

Davis County represents three cessions of Indian land. The southeast corner was part of the cession of September 21, 1832, commonly referred to as the Black Hawk Purchase. (See Map I.) A small portion of territory next on the north and west represents the cession of October 21, 1837, while the bulk of the territory of the county was acquired through the treaty of October 11, 1842. All three cessions were made by the Sac and Fox Indians.

*Decatur.*—This county was the last of twelve created by the act of the legislature of the Territory of Iowa approved on January 13, 1846.<sup>70</sup> Its boundaries as first defined have remained permanent.

<sup>66</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

<sup>67</sup> See Map VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>68</sup> *Laws of the Territory of Iowa*, 1843-1844, p. 137.

<sup>69</sup> See below p. 29.

<sup>70</sup> *Laws of the Territory of Iowa*, 1845-1846, p. 73.

The land included within the limits of the county was ceded to the United States government by the Sac and Fox Indians in a treaty dated October 11, 1842. Decatur was west of the line by which this cession was divided into two parts and therefore did not have to be vacated by the Indians until three years after the date of cession.

*Delaware.*—The boundary history of Delaware County is brief. The county was carved from the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>71</sup> The boundaries received at this time have never been altered but have remained permanent.<sup>72</sup>

The territory of Delaware County was acquired from the Sac and Fox Indians by the cession of September 21, 1832, known familiarly as the Black Hawk Purchase. (See Map I.)

*Des Moines.*—This county, one of the two first established within the borders of the present State of Iowa, was created by an act of the Legislative Council of the Territory of Michigan approved on September 6, 1834.<sup>73</sup> Dubuque County was established by the same act, and since it was named first in the law, has that much claim to be the oldest county in the State. Demoine County (for such is the spelling of the name to be found in the organic act) must be content to be called the second oldest.

The original County of Demoine was only a temporary jurisdiction. Its exact shape and size may reasonably be called in question, because of an apparent error which crept into the organic act. Both of the original counties of Du-

<sup>71</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

<sup>72</sup> See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>73</sup> *Laws of the Territory of Michigan*, Vol. III, p. 1326.

buque and Des Moines were carved from an area which had only recently been attached to the Territory of Michigan. The intention of the framers of the act undoubtedly was to limit the new counties to that part of this newly acquired region "to which the Indian title has [had] been extinguished", that is, to the Black Hawk Purchase, the northern part of which was to become the County of Dubuque and the southern part the County of Des Moines. Section one of the act, which created Dubuque County, definitely limits it to territories "to which the Indian title has [had] been extinguished". Section two by which Des Moines County was established reads as follows: "All that part of the district aforesaid, which was attached as aforesaid to the Territory of Michigan, and which is situated south of the said line to be drawn west from the lower end of Rock Island, shall constitute a County, and be called Des Moines." The phrase which in section one had limited Dubuque County to territory to which the Indian title had been extinguished is here omitted, whether by design or by accident may never be known. Curiously enough the line of division between the two new counties was extended, in section one of the act, "west from the lower end of Rock Island *to the Missouri river*". (The italics are mine.) According to the actual wording of section two, Des Moines County was extended westward to the Missouri River. For several reasons this seems to have been an error. (1) No reason appears why Des Moines County should have been defined differently from Dubuque County. (2) It was customary not to erect into counties territory still under the control of the Indians. Throughout the whole history of the formation of Iowa counties this rule was almost invariably followed. (3) Des Moines County was subdivided by an act approved on December 7, 1836. This law bore the title "An Act divid-



ing the county of Des Moines<sup>74</sup> into several new counties''.<sup>75</sup> The territory erected into new counties at this time comprised only the southern part of the Black Hawk Purchase—it did not extend westward to the Missouri. This last fact, taken in connection with the wording of the title of the law, would seem to prove that the extension of the original County of Demoine westward to the Missouri was an error on the part of the act of September 6, 1834, at least such appears to be the view of the framers of the act of December 7, 1836. These facts have convinced the writer that it was never intended to extend Demoine County westward across the State, that the original idea was to limit it to the southern part of the Black Hawk Purchase. The county is thus drawn on Map II.

Even with these limits the original County of Demoine was one of the largest ever established within the present boundaries of Iowa. It should be noted, however, that as first created Demoine County did not include Keokuk's Reserve, a strip comprising four hundred square miles on the Iowa River. This reservation was made in Chief Keokuk's favor at the time of the Black Hawk Purchase, September 21, 1832. It was ceded to the United States by treaty on September 28, 1836, and was for all practical purposes made a part of Demoine County which may be said to have been increased in size to this extent at this time. Most early maps show Demoine County as including the Keokuk Reserve. It is so drawn on Map II accompanying this paper. In this shape Demoine County included all the territory in the present counties of Louisa, Des Moines, Lee and Henry; most of the territory of Van Buren County; and part of that of Davis, Jefferson, Washington, Johnson, and Muscatine. (See Map II.)

<sup>74</sup> The original spelling of the name of the county (Demoine) is ignored in this act.

<sup>75</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

Dubuque and Des Moines were the only counties created in Iowa during the period of the Territory of Michigan. On July 4, 1836, they became part of the Territory of Wisconsin.<sup>76</sup> During the two years of the Wisconsin period each was subdivided into smaller counties. The act subdividing Des Moines County, as already mentioned, was approved on December 7, 1836. It went into effect on the same day. By the terms of this act the original County of Des Moines (plus most of the Keokuk Reserve) was divided into several new counties, one of which retained the name of Des Moines although the modern spelling of the name was adopted. The boundaries given to the county at this time were peculiar owing to the fact that the United States government survey of these lands was not yet completed. The new limits of Des Moines County were defined in section three of the act as follows: "beginning on the Mississippi river, at the north-east corner of Lee; thence up said river to a point fifteen miles above the town of Burlington, on the bank of said river; thence on a westerly direction to a point on the dividing ridge between the Iowa river and Flint creek, being twenty miles on a due west line from the Mississippi river; thence a southerly direction, so as to intersect the northern boundary line of the county of Lee, at a point twenty miles on a straight line from the Mississippi river; thence east with the northerly line of the said county of Lee to the beginning". These boundaries gave to the county an irregular shape. It is difficult to draw the county on a map, although the writer attempted to do so in connection with a former paper.<sup>77</sup> Reference to the maps indicated (especially to Map VI) shows the northern boundary of Des Moines County as defined in the act of December 7,

<sup>76</sup> *U. S. Statutes at Large*, Vol. V, p. 10.

<sup>77</sup> See Maps II and VI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

1836, just quoted, to run east and west, and to be located some six miles to the south of the northern boundary of the present county of the same name, while the western boundary runs from northeast to southwest and the southern from northwest to southeast along the Skunk River. As thus drawn the Des Moines County of the act of December 7, 1836, included the southeastern corner of the present county of Henry, and a little territory in the northern part of the present county of Lee. On the other hand, a larger area in the northern part of the present County of Des Moines belonged then to Louisa County. As established by the act of 1836 Des Moines County was probably a trifle smaller than now.

The boundaries just described were temporary because the act defining them was temporary.<sup>78</sup> Soon after the survey of the region was completed, a new act was passed by the legislature of the Territory of Wisconsin redefining the boundaries of Des Moines County and its neighbors. This act was approved on January 18, 1838.<sup>79</sup> The new boundaries generally followed township lines. The northern boundary of Des Moines County now became the line dividing townships seventy-two and seventy-three north; the western boundary became the line separating ranges four and five west; while the southern boundary was established on the line dividing townships sixty-eight and sixty-nine north except in its eastern part where the Skunk River served to form the boundary.<sup>80</sup> As thus bounded the county probably gained a little in size, for while it lost territory on the west to Henry and Lee it gained more in the

<sup>78</sup> See section 11 of the act.

<sup>79</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

<sup>80</sup> Maps V and VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS show these boundaries correctly but a slight error occurs in Map VII.

north from Louisa County. It also undoubtedly gained a little on the south from Lee.

On July 4, 1838, the act of Congress creating the Territory of Iowa went into effect. Des Moines County was given its present boundaries by an act of the legislature of the new Territory, approved on January 23, 1839.<sup>81</sup> This law which was entitled "An Act to establish the boundaries of Lee county" made the Skunk River the boundary line between Lee and Des Moines counties. The change thus made in the boundaries of Des Moines County was indirect, that county not having been named in the act in direct connection with the new boundary. By this change Des Moines County was reduced somewhat in size, for although it gained a little territory (situated south of Henry County) from Lee County it lost much more territory south of the Skunk River to Lee. With this change the boundaries of Des Moines County became permanent.

Most of the present County of Des Moines, and possibly all of it, was formerly part of the Black Hawk Purchase of 1832. It is probable that a small area in the northern part of the county was within the limits of Keokuk's Reserve. (See Map I.)

*Dickinson.*—This county was formed by the act of January 15, 1851.<sup>82</sup> Its boundaries received at this time have never been altered. It is one of the smallest counties in Iowa, containing only 408 square miles. That section<sup>83</sup> in the act of January 15, 1851, which sought to establish Dickinson County was unconstitutional. The Constitution of 1846 was then in force. Section two of article eleven of this document reads as follows: "No new county shall be laid off hereafter, nor old county reduced to less contents

<sup>81</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 94.

<sup>82</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>83</sup> Section 48.



than four hundred and thirty-two square miles." Dickinson County was established in 1851 and given only 408 square miles of territory. This was clearly unconstitutional. The county continued in this condition until 1857. Osceola, Emmet, Winnebago, and Worth possessed the same status.

In 1857 the new State Constitution was ratified and went into force. Section two of article eleven of this, our present Constitution, reads: "No new county shall be hereafter created containing less than four hundred and thirty-two square miles; nor shall the territory of any organized county be reduced below that area; except the county of Worth, and the counties west of it along the northern border of this State, may be organized without additional territory." Thus the Constitution of 1857 recognizes the unconstitutionality of the five counties above mentioned from 1851 to 1857, and then proceeds to authorize their organization. (None of them had been organized during the period of their illegal status.) This action rendered Dickinson County a constitutional jurisdiction as soon as it was organized.

The territory of Dickinson was for several years a part of the original County of Fayette created in 1837. (See Map II.) Most of it was within the limits of the cession made on July 15, 1830, upon which date all the Indian tribes having any claims to the territories of western Iowa surrendered those claims. The northeastern corner of Dickinson County was undoubtedly part of the cession made on July 23 and August 5, 1851, by the four bands of the Santee Sioux. (See Map I.) This much of the county was still Indian territory when the county itself was established by act of January 15, 1851.

*Dubuque.*—Dubuque County was one of the two first counties established within the limits of the present State

of Iowa. Indeed, it may be called the first, since it was named before Demoiné County in the organic act by which both were created. This act was one passed by the Legislative Council of the Territory of Michigan, approved on September 6, 1834, and in effect from October 1 of the same year. It was entitled "An Act to lay off and organize counties west of the Mississippi River."<sup>84</sup> Section one of this law which describes the limits of Dubuque County reads as follows: "Be it enacted by the Legislative Council of the Territory of Michigan. That all of that district of country which was attached to the Territory of Michigan, by the act of Congress entitled 'An Act to attach the Territory of the United States west of the Mississippi River, and north of the State of Missouri to the Territory of Michigan,' approved June 28th, 1834, and to which the Indian title has been extinguished, which is situated to the north of [a] line to be drawn due west from the lower end of Rock Island to [the] Missouri river, shall constitute a county to be called Dubuque." . . . . .

The wording of the act is cumbersome. The "Territory of the United States west of the Mississippi River and north of the State of Missouri . . . . to which the Indian title had been extinguished" was the strip purchased by the United States government from the Sac and Fox Indians on September 21, 1832. This strip was variously referred to as the "Iowa District," the "Black Hawk Purchase," and "Scott's Purchase"; more commonly, however called the "Black Hawk Purchase". By the terms of the organic act, above quoted, Dubuque County was made to comprise all that part of the Black Hawk Purchase which lay to the north of a line to be drawn due west from the lower end of Rock Island. The county did not extend to the northern boundary of the present State of Iowa be-

<sup>84</sup> *Laws of the Territory of Michigan*, Vol. III, p. 1326.

cause the Black Hawk Purchase had not done so. Keokuk's Reserve cut off the southwest corner of the county. Dubuque County did not extend westward to the Missouri River and thus include all of the northern half of Iowa as some writers claim.<sup>85</sup> The evident extension of the line of division between Dubuque and Demoiné counties westward to the Missouri is not sufficient ground upon which to base the claim that Dubuque County extended clear across the State. The county was large enough as it was. Its size and shape may be seen on Map II. In its original form Dubuque County included all of the territory of the present counties of Dubuque, Jackson, Clinton, Cedar, Jones, and Delaware; most of the territory of Clayton and Scott counties; and part of that of Allamakee, Fayette, Buchanan, Linn, Johnson, and Muscatine.

Dubuque and Demoiné were the only counties created in Iowa during the period of the Territory of Michigan. On July 4, 1836, they became part of the Territory of Wisconsin.<sup>86</sup> During the two years of the Wisconsin period each was subdivided into smaller counties. The act subdividing Dubuque County was approved on December 21, 1837.<sup>87</sup> Just two months prior to this date the Sac and Fox Indians had made their second cession of land within the present State of Iowa to the United States government. It comprised a triangular strip of 1,500,000 acres lying immediately west of the Black Hawk Purchase. (See Map I.) The act of December 21, 1837, created new counties out of the northern part (about two thirds) of this new cession as well as out of the original County of Dubuque.<sup>88</sup>

<sup>85</sup> See Gue's *History of Iowa*, Vol. III, p. 343.

<sup>86</sup> *U. S. Statutes at Large*, Vol. V, p. 10.

<sup>87</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

<sup>88</sup> See Map III, July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

It seems best to denominate the original County of Dubuque a temporary county and to say that it was reduced in size by the act of December 21, 1837. The only alternative is to declare that there is no more connection between the two counties of Dubuque than between the original county of that name and any other named in the act of December 21, 1837, which was carved from it. The view that the second County of Dubuque is to be looked upon as the continuation of the first may be defended by a reference to the act just mentioned. In section four (the section establishing Delaware County) we read—"All the country lying within the following limits, to-wit: . . . shall be, and the same is hereby constituted a separate county to be called Delaware." This is practically the formula used for all the counties named in the act with the exception of Dubuque which is not "constituted a separate county" but merely has its new and reduced boundaries defined.<sup>89</sup> In a later section the sheriff of Dubuque County is authorized to collect all taxes assessed by and due the original county of the same name.<sup>90</sup>

The boundaries received by Dubuque County on December 21, 1837, have remained permanent. As may be inferred from the foregoing discussion, the territory of the present county was within the Black Hawk Purchase of September 21, 1832. (See Map I.)

*Emmet.*—Like Dickinson County Emmet was created by the act of January 15, 1851,<sup>91</sup> with an area of four hundred and eight square miles which was less than the Constitution allowed.<sup>92</sup> The county was clearly unconstitutional but it

<sup>89</sup> See section 3 of the act.

<sup>90</sup> Section 9.

<sup>91</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>92</sup> Compare the discussion of Dickinson County, above p. 33. Everything said above about the unconstitutionality of Dickinson County applies with equal force to Emmet.



was not organized until after the Constitution of 1857 had made legal its organization in spite of its small area.<sup>93</sup>

Emmet County is within the limits of the original County of Fayette established in 1837. (See Map II.) Most of the territory of Emmet was ceded to the United States government by the Sioux Indians according to the terms of two treaties signed July 23 and August 5, 1851. (See Map I.) The southwest corner of the county was acquired by an earlier treaty dated July 15, 1830, upon which date a number of tribes ceded all their claims to western Iowa.

*Fayette.*—As first established Fayette County was only a temporary jurisdiction similar in character to the original counties of Benton, Buchanan, and Keokuk. It was created by an act of the legislature of the Territory of Wisconsin, approved on December 21, 1837.<sup>94</sup> The character of this act has been discussed above.<sup>95</sup> The extent and boundaries of Fayette County as described in section two of the law were as follows: "The whole of the country lying west of the Mississippi and north of the southern boundary of the county of Clayton, extending westward to the western boundary of Wisconsin Territory and not included within the proper limits of the said county of Clayton, as hereinbefore described, shall for temporary purposes be attached to, and in all respects be considered a part of the county of Clayton, and be called Fayette."

There can be no doubt, although this wording is peculiar, that it was the intention of the framers of the act of December 21, 1837, to create a temporary county to be called Fayette and to attach the same to Clayton County for those purposes for which new counties were at this time frequent-

<sup>93</sup> See Constitution of Iowa, 1857, Article XI, section 2.

<sup>94</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

<sup>95</sup> See above p. 8.

ly attached to older ones, namely for judicial purposes. The wording of the title of the act and a comparison of the phraseology of section two with other sections bear out this view.

Clayton County had been bounded in section one of the act. Its size, as established at this time, was nearly the same as at present, although its shape was slightly different.<sup>96</sup> The "western boundary of Wisconsin Territory" was the Missouri and White Earth rivers; the northern boundary was the Canadian border. The new County of Fayette extended to these boundaries on the west and north. It covered roughly the eastern two-thirds of the Dakotas and the western half of Minnesota in addition to the northern fourth of Iowa.<sup>97</sup> Its area was upwards of 140,000 square miles,<sup>98</sup> making it one of the largest, if not the largest, county ever established within the limits of the United States. The Indian titles had been extinguished in only the southeastern corner of the county.

In its temporary form Fayette County included, in Iowa, all the territory of the present counties of Lyon, Sioux, Osceola, O'Brien, Dickinson, Clay, Emmet, Palo Alto, Kosuth, Winnebago, Hancock, Worth, Cerro Gordo, Mitchell, Floyd, Howard, Chickasaw, Winneshiek, Humboldt, Bremer, and Fayette; most of that of Plymouth, Cherokee, Buena Vista, Pocahontas, Wright, Franklin, Butler, and Allamakee; and a corner of Clayton. (See Map II.)

The boundaries of Fayette County were defined as they now exist by an act of the first General Assembly of the State of Iowa approved on February 3, 1847.<sup>99</sup> In reduc-

<sup>96</sup> See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>97</sup> See Map IV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>98</sup> Gue's *History of Iowa*, Vol. III, p. 344.

<sup>99</sup> *Laws of Iowa*, 1846-1847, p. 37.

ing the county to its present size the act of 1847 says nothing about the vast territory which formerly belonged to it.

The territory included within the present boundaries of Fayette County was acquired through several cessions by the Indians. (See Map I.) The southeastern part was included within the limits of the Black Hawk Purchase of September 21, 1832. A triangular strip in the southern part of the county, a little west of the center, was part of the Sac and Fox cession of October 21, 1837. The southwestern corner was acquired from the same tribes in the cession of October 11, 1842. The northern part, about one-half of the county, was from the cession made by the Winnebagoes on October 13, 1846. This latter area had been granted as a reservation to the Winnebagoes on September 15, 1832, before which time it had formed a part of the famous "Neutral Ground," the southern part of which, including the northern half of the present county, had first been acquired from the Sacs and Foxes through the cession of January 15, 1830.

The only part of Fayette County which was ever part of another Iowa county is the southeastern part. The same area, which was just spoken of as having formed a part of the Black Hawk Purchase, became a little later part of the original County of Dubuque.

*Floyd.*—The County of Floyd was erected, with forty-nine others, by an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>100</sup> Its boundaries received at this time extended one-half of a township farther north than they do at present.<sup>101</sup> They were reduced to their present limits by an act approved on January 24, 1855.<sup>102</sup>

<sup>100</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>101</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>102</sup> *Laws of Iowa, 1854-1855*, p. 185.

The territory of Floyd County was first ceded to the United States by two treaties signed on July 15, 1830, the southeastern part being ceded by the Sac and Fox Indians, the balance by the four bands of Santee Sioux. (See Map I.) The whole county came within the limits of the so-called "Neutral Ground." All that part of the strip which lay east of the eastern branch of the Cedar River was given as a reservation by the United States government to the Winnebagoes by a treaty signed on September 15, 1832. The northeastern part of Floyd County was included in this reservation which was ceded back to the United States by the treaty of October 13, 1846. All of Floyd County came within the limits of the original County of Fayette created in 1837. (See Map II.)

*Franklin.*—Franklin County was established by an act of the State legislature approved on January 15, 1851.<sup>103</sup> Its boundaries have never been altered since first defined. The territory within the borders of Franklin had formerly belonged to the original counties of Fayette and Buchanan, both of which were established in 1837. The southern fourth of the county belonged to Buchanan; the northern three-fourths to Fayette. (See Map II.)

Most of the area of Franklin County was ceded by the Sac and Fox Indians to the United States by a treaty signed July 15, 1830. The northwest corner was ceded at the same time by the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Sioux. These two cessions made up the famous "Neutral Ground," within which all of Franklin County except the southeastern corner came. This corner was acquired from the Sac and Fox Indians on October 11, 1842, part of it lying east and part of it west of the line of division by which this cession was divided into two parts. (See Map I.)

<sup>103</sup> *Laws of Iowa, 1850-1851, p. 27.*



*Fremont.*—The county in the southwest corner of the State was, together with the three lying east of it, established by an act of the State legislature approved on February 24, 1847.<sup>104</sup> The boundaries received by Fremont County at this time have never been altered.

On the same day that Fremont and the three counties just east of it were created, an act<sup>105</sup> was approved establishing the temporary County of Pottawatomie out of the Pottawattamie cession of 1846. The effect of this act is difficult to determine since Fremont, Page, Taylor, and part of Ringgold County had been within the limits of this cession. (See Map I.) It is hardly probable that the authors of these two acts of the same date meant to put any territory into two counties at the same time, yet, since there is no way of determining which of the two laws was approved last, this is exactly what they seem to have done.<sup>106</sup> It is possible, however, that it was not meant to include the territory of Fremont and its neighbors within the limits of the original Pottawatomie County. When the latter was reduced to its present size by the act of January 15, 1851, no mention was made in the act of the counties of Fremont, Page, etc. This would seem to imply that there was no real overlapping of boundaries, or, if such a condition did exist, there were good reasons for ignoring it.

The territory within the present limits of Fremont County was first acquired by the United States on July 15, 1830, upon which date all those tribes<sup>107</sup> having any claims to the soil of western Iowa surrendered the same to the government. A large area in the southwestern part of the

<sup>104</sup> *Laws of Iowa*, 1846-1847, p. 114.

<sup>105</sup> *Laws of Iowa*, 1846-1847, p. 115.

<sup>106</sup> See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>107</sup> July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 439.

State was granted as a reservation to the Pottawattamie nation on September 26, 1833, and ceded back by them on June 5 and 17, 1846. Pottawattamie County of 1847 was to be coextensive with this cession. The present area of Fremont County was included within the limits of the Pottawattamie reservation and cession and apparently of the county. (See Map I.)

*Greene.*—The boundaries of Greene County have never been changed since the county was originally created by the act of January 15, 1851.<sup>108</sup> Its territory was acquired from the Sac and Fox Indians by the cession of October 11, 1842. (See Map I.) Greene County comes within the limits of the original County of Benton established in 1837. (See Map II.)

*Grundy.*—Grundy County was established by the act of January 15, 1851,<sup>109</sup> its boundaries being defined thus: "Beginning at the north-west corner of township 89 north, range 14 west, thence west on the line dividing townships 89 and 90, to the north-west corner of township 89, range 18 west, thence south on the line dividing ranges 18 and 19 to the south-west corner of township 86 north, range 18 west, thence east on the line between townships 85 and 86 to the southwest corner of township 86 north, range 16 west, thence north to the north-east corner of said township, thence east to the south-west corner of township 87 north, range 14, thence north on the line dividing ranges 14 and 15, to the place of beginning." These boundaries contain an error. The phrase "thence north to the north-east corner of said township" should have read, thence north to the *northwest* corner. This is not merely a printer's error;

<sup>108</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>109</sup> *Laws of Iowa*, 1850-1851, p. 27.

the word "north-east" may be found in the original manuscript copy of the act.<sup>110</sup> The error just mentioned makes it impossible to draw the southern boundary of Grundy County on a map. Tama County, however, gives it the shape which the authors of the act of 1851 undoubtedly meant to give it.<sup>111</sup> The boundaries of Grundy County were, therefore, defective, as originally established. Since they have never been redefined or amended, they remain defective today.<sup>112</sup>

The southern tier of townships of Grundy County comes within the limits of the original County of Benton created in 1837. All of the remainder formed a part of the original County of Buchanan established at the same time. (See Map II.) The territory included within the boundaries of Grundy County was formerly claimed by the Sac and Fox Indians. It was ceded by them to the United States by the treaty of October 11, 1842. (See Map I.)

*Guthrie.*—As originally established by the act of January 15, 1851,<sup>113</sup> Guthrie County possessed the same area which it possesses today but the county was located one range farther east than now. That is to say, the eastern and western boundaries were each placed one range farther east than now.<sup>114</sup> Dallas County located immediately east of Guthrie had been created by the act of January 13, 1846. The boundaries given to Guthrie County by the act of 1851

<sup>110</sup> See volume for 1850-1851 of the original manuscript acts of the legislature of the State of Iowa in the office of the Secretary of State, Des Moines, Iowa.

<sup>111</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>112</sup> See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>113</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>114</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

overlapped those of Dallas. It is impossible to say, definitely, that an error was made in having the boundaries of the newer county overlap those of the older, but at least this was an unusual occurrence. In a case of this kind the later law prevails, and it must be said that a part of the territory of Dallas was legally transferred to Guthrie by the law of 1851. In spite of all this it seems probable that the boundaries of Guthrie County were not made to overlap those of Dallas intentionally, because on February 5, only twenty-one days later, an act<sup>115</sup> supplementary to that of January 15, 1851, was approved which redefined the boundaries of Guthrie County in such a way as to shift its location one range westward.<sup>116</sup> All acts or parts of acts to the contrary being repealed by section two of the law, the territory recently taken from Dallas County now reverted to that jurisdiction.<sup>117</sup>

In shifting Guthrie County to the westward, the act of February 5, 1851, did not diminish it in size. As a result it now overlapped the boundaries of Audubon County located just west; in other words, Audubon lost a range of townships to Guthrie, since the later law, as mentioned above, repealed that much of the earlier law conflicting with it. The boundaries of Guthrie County have not been altered since February 5, 1851.

All of the territory of Guthrie comes within the limits of the original County of Keokuk established in 1837. The southwest corner was also included in 1847 in the original County of Pottawatomie. (See Map II.) The bulk of the territory of Guthrie was acquired from the Sacs and Foxes by the cession of October 11, 1842. The southwestern por-

<sup>115</sup> *Laws of Iowa, 1850-1851*, p. 194.

<sup>116</sup> See Map XII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>117</sup> See above p. 25.



tion first came into the possession of the United States through the treaty of July 15, 1830, upon which date all the Indian tribes<sup>118</sup> having any claims to western Iowa surrendered the same to the government. (See Map I.) On September 26, 1833, the southern part of this cession was given as a reservation to the Pottawattamie Nation. The southwestern part of Guthrie County was included in this reservation which, in turn, was ceded back to the United States by the treaty of June 5 and 17, 1846. (See Map I.)

*Hamilton.*—Created by an act approved on December 22, 1856,<sup>119</sup> Hamilton County received its present boundaries on that date. The northwestern part of the county was ceded to the United States by the Sac and Fox Indians according to a treaty signed on July 15, 1830. This cession made up part of the well known "Neutral Ground." The remainder of the county was acquired from the same tribes by treaty of October 11, 1842. (See Map I.)

The territory comprised within the limits of Hamilton County had belonged at different times to several older counties before 1856. By an act approved on December 21, 1837, its southern tier of townships was included within the limits of the original County of Benton, while the remainder became a part of the original County of Buchanan. (See Map II.) This condition of affairs lasted until the act approved on February 17, 1843, became a law. By the act of January 15, 1851, the territory included within the present limits of Hamilton was erected into the County of Risley.<sup>120</sup> The name of Risley was changed to Webster by an act approved on January 12, 1853, and which went into

<sup>118</sup> See the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 439.

<sup>119</sup> *Laws of Iowa*, 1856-1857, p. 11.

<sup>120</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

force on January 22, of the same year. On this latter date another act was approved creating a county of Webster by uniting Risley and Yell.<sup>121</sup> When Hamilton County was established in 1856 it was carved out of the County of Webster.<sup>122</sup>

*Hancock.*—This county was established and given its permanent boundaries by the act of January 15, 1851.<sup>123</sup> The southern part of its territory had been acquired from the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux by a treaty signed July 15, 1830. This cession comprised part of the so-called "Neutral Ground". The northern part of the county was ceded by the same bands according to the terms of two treaties signed, one on July 23 and one on August 5, 1851. (See Map I.) The entire county came within the limits of the original County of Fayette established in 1837 and in existence about ten years. (See Map II.)

*Hardin.*—The County of Hardin was created by the important act of January 15, 1851.<sup>124</sup> Its boundaries have never been altered since. The southern tier of townships formed a part of the original County of Benton established in 1837. The remaining three-fourths of the county came within the limits of the original County of Buchanan established at the same time. This condition of affairs lasted until the act approved on February 17, 1843, went into effect. (See Map II.)

The territory of Hardin was mostly acquired from the Sacs and Foxes by the treaty of October 11, 1842, the larger

<sup>121</sup> See Map XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>122</sup> See Map XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>123</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>124</sup> *Laws of Iowa, 1850-1851*, p. 27.

part being west of the line of division. The northwest corner probably came within the limits of the Sac and Fox cession of July 15, 1830, which formed the south half of the famous "Neutral Ground". (See Map I.)

*Harrison.*—Established by an act of legislature of the State of Iowa approved on January 15, 1851,<sup>125</sup> the boundaries of this county have never been altered.

The whole of Harrison County was acquired by the United States according to the terms of a treaty signed on July 15, 1830, upon which date numerous tribes of Indians<sup>126</sup> ceded all their claims to western Iowa. (See Map I.) The southeastern portion was part of a reservation given to the Pottawattamie nation by a treaty signed on September 26, 1833. The same area was ceded back to the government several years later by a treaty bearing the dates June 5 and 17, 1846. This cession was erected into the temporary County of Pottawatamie by an act approved on February 24, 1847. The southern part of Harrison was included in this temporary county until 1851. (See Map II.)

*Henry.*—Henry County, as its boundaries were first defined, was carved from the original County of Des Moines by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.<sup>127</sup> At this time Des Moines County was divided up into seven new counties. Since the lands of southeastern Iowa had not yet been surveyed, the boundaries of the newly created counties did not follow township lines, as in most later acts of similar character, but were described in rather unusual language. The boundaries of Henry County as described in section four of the

<sup>125</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>126</sup> See the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*, p. 439.

<sup>127</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

act above mentioned were as follows: "beginning at the south-west corner of Des Moines; thence north-west with the line of the said county of Van Buren to the Indian boundary line; thence north with the said boundary line twenty-four miles; thence south-east to the north-west corner of the county of Des Moines; thence south with the west line of the county of Des Moines to the beginning".

The boundaries of Van Buren and Des Moines counties herein mentioned had been described in sections two and three of the same act. The "Indian boundary line" was the western line of the Black Hawk Purchase of 1832. Given the boundaries of Van Buren and Des Moines counties and the western line of the Black Hawk Purchase, it is not difficult to draw on a map Henry County with limits described above. As defined, probably none of its boundaries ran north and south, or east and west. It might seem, at first thought, that the eastern boundary ran due north and south, but reference to the western boundary of Des Moines County as defined in section three of the same act would cast a doubt upon this supposition, while an attempt to draw the latter upon a map would prove conclusively that the line in question did not run north and south, but from northeast to southwest. The whole county lay on a bias. Its southeastern corner was probably in the northern part of Lee County, its southwestern corner almost on the line between Van Buren and Jefferson counties, its northern or northwestern corner in the southern part of Washington County, and its northeastern corner in the northwestern part of the present County of Des Moines.<sup>128</sup>

In size, the original County of Henry was about one-fourth larger than the present county of the same name. As first established its boundaries were retained only a lit-

<sup>128</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.



tle over a year, having been altered by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838.<sup>129</sup> The new boundaries were defined in terms of the United States Survey which had, in the meantime, been completed for this section of Iowa. In other words, the boundaries of Henry County now ran north and south or east and west. The new county was about the same size as the old. Territory was gained from Louisa, Des Moines, and Lee counties. Other territory was lost to Slaughter, Des Moines, Lee, and Van Buren. The chief gain made was in the northeast from Louisa County; the chief loss was suffered on the west where a strip of territory comprising approximately one-fifth of the original county was left for a time outside the limits of any county. Later it became part of Jefferson County.<sup>130</sup>

On July 4, 1838, the Territory of Iowa came into existence. Henry County was reduced in size and given its present boundaries by an act of the legislature of the new Territory, approved on January 21, 1839.<sup>131</sup> By the terms of this act which was entitled, "An Act to divide the County of *Henry*, and establish the County of *Jefferson*", the three western townships of Henry County were cut off, and, together with other territory west of them, were erected into a new county named Jefferson.

The present area of Henry County was entirely within the limits of the Sac and Fox cession of September 21, 1832, known as the Black Hawk Purchase. (See Map I.) The northeast corner of the county came up close to the line of Keokuk's Reserve. Later, Henry County was part of the original County of Demoiné. (See Map II.) Still

<sup>129</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

<sup>130</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>131</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 92.

later its northeast corner was part of the original County of Louisa; its southeast corner part of Des Moines County; and possibly its southwest corner was part of the original County of Lee.<sup>132</sup>

*Howard.*—As originally established by the act of January 15, 1851,<sup>133</sup> Howard County was somewhat smaller than now. Its southern boundary was moved one-half of a township farther south by an act approved on January 24, 1855.<sup>134</sup> With this change the boundaries of Howard County became permanent.<sup>135</sup>

From 1837 to 1847 the territory of the present county was within the limits of the original County of Fayette. (See Map II.) The southern portion of the county — a little more than half — was first ceded to the United States by the four bands of the Santee Sioux in a treaty signed July 15, 1830. (See Map I.) Since this cession made up the northern part of the famous "Neutral Ground," the southern part of Howard County was included in the latter. The same area was also within the limits of the reservation, comprising the eastern part of the "Neutral Strip," which was given to the Winnebagoes September 15, 1832, and ceded back by those Indians to the United States in the treaty dated October 13, 1846. The northern part of Howard was not acquired from the Indians until 1851 when the four bands of Santee Sioux ceded their claims to northern Iowa in two treaties signed respectively on July 23 and August 5 of that year. (See Map I.)

*Humboldt.*—Of the ninety-nine existing counties in Iowa, Humboldt, established by an act of the legislature ap-

<sup>132</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>133</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>134</sup> *Laws of Iowa*, 1854-1855, p. 185.

<sup>135</sup> See Maps XI, XIII and XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

proved on January 28, 1857,<sup>136</sup> is the youngest. It was carved out of the older counties of Kossuth and Webster and is not to be confused with *Humbolt* a county created by the act of January 15, 1851, and blotted out by an act approved on January 24, 1855. Neither is it to be considered as a continuation of *Humbolt* because the latter ceased to exist two years before the present county was established.<sup>137</sup> The only connection between the two counties is found in the name. It seems that the framers of the present county desired to perpetuate it, for the two names were really the same, that is to say, each county was named for the great German scientist, although his name was misspelled when applied to the first county.

When *Humbolt* County was blotted out in 1855 its territory was divided evenly between Kossuth and Webster counties, the northern half going to the former, the southern half to the latter.<sup>138</sup> When Humboldt County was established in 1857 it was given two tiers of townships from Kossuth County and one from Webster. It was smaller than *Humbolt* County had been, in that it did not contain the southern tier of townships included in the earlier county.<sup>139</sup> That this territory was omitted by mistake seems to be proven by the fact that at the next session the legislature passed an act<sup>140</sup> explanatory of the law of January 28, 1857. The preamble of this explanatory act declared that the act of January 28, 1857, had originally created Humboldt County of a larger size, that is, four townships square, or the size of *Humbolt* County, and

<sup>136</sup> *Laws of Iowa*, 1856-1857, p. 199.

<sup>137</sup> See discussion of Humboldt County below p. 120.

<sup>138</sup> See Maps XII and XIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>139</sup> See Map XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>140</sup> This act was approved on March 11, 1858. See *Laws of Iowa*, 1858, p. 49.

further that a mistake had been made when the act was printed, whereby township 90, ranges 27, 28, 29, and 30 west, had been unintentionally omitted, and also that the original of the bill had been lost. These explanations seemed to satisfy the legislature for it passed the bill to which they were prefixed. This act of March 11, 1858, construed that of January 28, 1857, in such a way as to include township 90, ranges 27, 28, 29, and 30 west, in Humboldt County. It even went farther and defined the boundaries of the county anew in such a way as clearly to include the territory in dispute.<sup>141</sup> It would have been better if this clause of the act had been omitted as will be explained later.

The present Constitution of Iowa was declared in force on September 3, 1857, or between the passage of the two laws just discussed. It contained a provision<sup>142</sup> to the effect that in the future all laws proposing the alteration of county boundaries should be submitted to a vote of the people of the counties concerned and must be approved by them before going into effect. Now the explanatory act of March 11, 1858, had not been submitted to the people of Humboldt and Webster counties for ratification. Consequently the Supreme Court of the State, in a decision handed down on December 4, 1860, in a case which had been appealed from the District Court of Webster County, declared the act unconstitutional.<sup>143</sup> The court held that the act was not truly and simply an amendment of the act of January 28, 1857, but that it was an independent act and as such was invalid because it had never been submitted to the people for ratification. Undoubtedly the presence in

<sup>141</sup> See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>142</sup> See Article III, section 30 of the Constitution.

<sup>143</sup> *Duncombe vs. Prindle*, 12 Iowa 1.



the act of that clause (referred to above) which redefined the boundaries of Humboldt County was the basis upon which the court based its argument in declaring the law an independent act.

This decision left Humboldt County with the dimensions which the act of January 28, 1857, had given it, whether as printed this act expressed the real intentions of its framers or not. An interesting question arises as to the size of the county between March 11, 1858, the date of the explanatory act, and December 4, 1860, the date when the same was declared null and void. The lawyer will answer that since the act was invalid it could never have had any force, therefore Humboldt County was never larger than the act of January 28, 1857, made it. (At this time it comprised twelve square townships). Technically and legally this claim is correct. The historical student, however, cannot overlook the fact that the act of March 11, 1858, was on our statute books for nearly three years during which time it was observed, and that during this time Humboldt County *actually* contained sixteen square townships.<sup>144</sup> Since December 4, 1860, the boundaries of the county have not been altered.

The territory of Humboldt was within the limits of the original County of Fayette from 1837 to 1847. (See Map II.) The relation of the county to the various Indian land cessions is very complicated. (See Map I.) Most of the county was ceded to the United States by the several treaties of July 15, 1830. On this date the bulk of its territory was ceded by the four bands of the Santee Sioux and the southeastern portion by the Sacs and Foxes. These two cessions made up the "Neutral Ground" famous in the early history of Iowa. The so-called "neutral line" which

<sup>144</sup> See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

separated these two cessions had its western terminus in the Des Moines River in the southern part of the county. On July 15, 1830, also, the southwestern portion of Humboldt County was ceded by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and Santee Sioux. The west central part of the county was retained by the Indians until 1851 when by two treaties signed respectively on July 23 and August 5, 1851, it was surrendered to the government by four bands of the Santee Sioux.

*Ida.*—Ida County was established by an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>145</sup> Its boundaries as established at this time have remained permanent. The territory of Ida County was acquired by the United States government on July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Sioux ceded all their claims to western Iowa. (See Map I.) From 1837 to 1843 the southern tier of townships in Ida County was within the limits of the original County of Benton; the remainder of the county forming part of the original County of Buchanan. (See Map II.)

*Iowa.*—The boundaries of Iowa County were established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>146</sup> The county was carved from the territories of the original County of Keokuk. (See Map II.) Its boundaries as first defined have remained permanent.

The territory within the limits of Iowa County represents two Indian land cessions both of which were made by the Sac and Fox tribes. The southeastern portion of the

<sup>145</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>146</sup> *Revised Statutes of the Territory of Iowa, 1843*, p. 131.

county was part of the cession of October 21, 1837, the remainder was acquired by the treaty of October 11, 1842. (See Map I.)

*Jackson.*—This county was carved from the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>147</sup> The boundaries received at this time have remained permanent.

The territory embraced within the limits of Jackson County was part of the Black Hawk Purchase, as the Sac and Fox cession of September 21, 1832, was commonly called. (See Map I.)

*Jasper.*—This county was established by an act of the legislature of the Territory of Iowa approved on January 13, 1846.<sup>148</sup> Its boundaries as described at this time were as follows: "Beginning at the north-west corner of Poweshiek county, on the line dividing townships 81 and 82, north of range 17 west; thence west, to the north-west corner of township 81, north of range 20 west; thence east to the south-west corner of township 78, north of range 20 west; thence south, to the south-west corner of Poweshiek county; thence north to the place of beginning." This definition of boundaries is seriously defective. By two curious errors the western boundary of Jasper is made to run east instead of south, and its southern boundary south instead of east. It is impossible to represent such a county upon a map, were it not that its surrounding neighbors give it shape and permit us to see the size and location which the framers of the act of 1846 meant to give to Jasper County.<sup>149</sup> As thus represented Jasper was smaller by one-fifth

<sup>147</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

<sup>148</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>149</sup> See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

than at present, its western boundary being one range farther east than now. Otherwise the location of the county as first established was just the same as at present.

The errors pointed out above were made by the printers of the statutes, for a reference to the original manuscript copy of the act in question shows the boundaries correctly described there.<sup>150</sup> Four days after the approval of the act creating Jasper County a supplementary act was approved which sought to redefine the boundary lines of Jasper, Polk, and Dallas counties.<sup>151</sup> Jusy why this act was passed cannot be said. No errors had been made in the original definition of the boundaries of Polk and Dallas counties. The errors in the printed laws relative to the boundaries of Jasper County had not yet been made, because the laws were not yet printed. The original of the act of January 13, 1846, must have been at the convenience of the framers of the act of January 17. The latter law could not have been passed, therefore, to remedy errors made in the earlier act. The real reason for the supplementary act of January 17 seems to come out of Polk County. Here a county-seat war was on. Additional territory was desired on the west and south in order to make Fort Des Moines more nearly the center of the county. But Polk County was not exactly north of Warren County; hence in redefining the boundaries of Dallas, Polk, and Jasper counties the first two were shifted each one range farther west while the western boundary of Jasper was moved one range in the same direction. These shifts brought Polk County directly north of Warren from which it gained one tier of townships. Fort Des Moines was now near the center of Polk and secured the county-seat. And so it may be said that the boundaries

<sup>150</sup> See volume for 1845-1846 of the original manuscript copies of the acts of the legislature of the Territory of Iowa, as kept on file in the office of the Secretary of State, Des Moines, Iowa.

<sup>151</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 75.



of Jasper County were redefined and the county enlarged by the act of January 17, 1846, merely to accommodate Polk County and more especially the boomers of Fort Des Moines. The boundaries of Jasper have not been altered since the date last mentioned.

The whole of Jasper County was within the limits of the original County of Keokuk established in 1837 and in existence until 1843. (See Map II.) The territory of Jasper was acquired from the Sacs and Foxes by the terms of the treaty of October 11, 1842. (See Map I.) The line of partition by which the cession was divided into two parts ran through the county. The western half was not to be vacated until October 11, 1845.

*Jefferson.*—The County of Jefferson was established by an act of the legislature of the Territory of Iowa approved on January 21, 1839.<sup>152</sup> This law was entitled "An Act to divide the County of *Henry*, and establish the County of *Jefferson*." The boundaries of the new county were defined as follows: "beginning at the south-east corner of township number seventy-one north, range eight west, thence north with said line to the line dividing townships seventy-three and seventy-four, thence west with said line to the Indian boundary line, thence south with said line to the line dividing townships seventy and seventy-one, thence east with line to the place of beginning." "The Indian boundary line" herein mentioned was the western limit of the Sac and Fox cession of October 21, 1837. This line ran from near the southwestern corner of township seventy-one north, range eleven west, toward the northeast to such an extent that the northwest corner of Jefferson County was about five miles farther east than its southwest corner.<sup>153</sup>

<sup>152</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 92.

<sup>153</sup> See Map VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

(See Map I.) This "Indian boundary line" had never been surveyed<sup>154</sup> but the northern half of the cession of October 21, 1837, had been, and so had the western boundaries of the Black Hawk Purchase.<sup>155</sup> In other words, three of the four boundaries of the cession of October 21, 1837, had been surveyed and the points between which the fourth boundary was to have been drawn were fixed. A straight line drawn between these two established points gives us, then, the missing boundary.

With this explanation, the four boundaries of Jefferson County as originally established become definite. The three eastern townships of the new county were taken from Henry. The remainder was Indian territory which had never before formed a part of any county. The act does not say, in so many words, that Henry was to be diminished in size although the title indicates the division of that county. The boundaries of Jefferson as first given have never been altered, that is, not directly or legally.

By an act of the legislature of the Territory of Iowa approved on February 17, 1843,<sup>156</sup> Wapello County was established just west of Jefferson. In this act the northern boundary of Wapello was described as beginning at the northwest corner of Jefferson County, on the line between ranges eleven and twelve west, from which point it was to extend westward. The southern boundary of Wapello was extended eastward to the southwest corner of Jefferson County, while its eastern boundary was made to run thence north on the line dividing ranges eleven and twelve to the place of beginning. These definitions of the boundaries of Wapello County assume the western boundary of Jefferson

<sup>154</sup> *18th Annual Report of the Bureau of American Ethnology*, 1896-97, Part 2, p. 767.

<sup>155</sup> *18th Annual Report of the Bureau of American Ethnology*, 1896-97, Part 2, p. 737.

<sup>156</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

County to be on the line between ranges eleven and twelve west, while, in point of fact, it had never been altered since it had been established by the act of January 21, 1839, on the "Indian boundary line" mentioned above. The act of 1843 does not redefine the boundaries of Jefferson County, except by inference. At the same time, it is clear that the framers of the act meant to establish the eastern boundary of Wapello County on the line between ranges eleven and twelve, west. It is also true that they assumed this line to be the western boundary of Jefferson County, but since this was not the fact, it is not probable that a court would decree that the act of 1843 had altered the western boundary of Jefferson County. Technically, then, and legally, it may be said that the act of 1843 left a triangular strip of territory, between Jefferson and Wapello counties, outside of the limits of both.<sup>157</sup> The error in the boundary line between these two counties has never been corrected. The western boundary of Jefferson County may be called defective since it is technically not where it is supposed to be.

The eastern portion of the county (See Map I.) was part of the Sac and Fox cession of September 21, 1832, also called the Black Hawk Purchase. This same area was later included within the limits of the original County of Des Moines.<sup>158</sup> (See Map II.) The remainder of Jefferson County was acquired from the Sac and Fox Indians by the cession of October 21, 1837. The triangular strip between Jefferson and Wapello was part of the cession of October 11, 1842, made by the same tribes.

*Johnson.*—Johnson County was established by an act of the legislature of the Territory of Wisconsin approved on

<sup>157</sup> See Maps VII and XVI in the July, 1903, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>158</sup> This gives to Des Moines County the limits which the framers of the act establishing that county meant to give it. See above p. 29.

December 21, 1837.<sup>159</sup> As described in this act its eastern boundary was the line dividing ranges four and five west; its western boundary that dividing ranges eight and nine west. Its southern boundary was the line dividing townships seventy-six and seventy-seven north; its northern boundary that separating townships eighty-one and eighty-two north. These boundaries made the county four townships wide (from east to west) and five long (from north to south), or about three square townships larger than at present.

Some of the territory given to Johnson County by the act of December 21, 1837, had belonged to Cook and Musquitine counties<sup>160</sup> since their establishment by an act approved on December 7, 1836. Cook and Musquitine were not even mentioned in the act creating Johnson County. Their loss of territory to the latter may be called, therefore, indirect.

Johnson County was reduced in size, indirectly, by an act of the legislature of the Territory of Iowa approved on January 25, 1839, and entitled "An Act to establish the boundary lines of Washington county, and for other purposes".<sup>161</sup> This law changed the name of Slaughter County to Washington County and enlarged the latter by adding to it seven new townships, three of which, namely townships six, seven, and eight west, range seventy-seven north, were taken from Johnson County without so much as mentioning the name of the latter in the act.

By an act of the legislature of the Territory of Iowa approved on June 5, 1845,<sup>162</sup> the Iowa River was made the boundary line between Johnson and Washington counties

<sup>159</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

<sup>160</sup> See Map III in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>161</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 100.

<sup>162</sup> *Laws of the Territory of Iowa, 1845*, p. 66.



for some six or eight miles. By this alteration of boundaries Johnson County gained from Washington that part of township 77 north, range 6 west, which lay east of the Iowa River. With this change the boundaries of Johnson County became permanent.

The territory comprised within the limits of the present county was acquired from the Indians at three different dates. The eastern portion was part of cession of September 21, 1832, known as the Black Hawk Purchase. The southeast corner was included in the Keokuk Reservation ceded by treaty of September 28, 1836. The remainder of the county, probably three-fourths of it, was acquired through the cession of October 21, 1837. All of these cessions were made by the Sac and Fox Indians. (See Map I.)

The eastern part of Johnson County was formerly within the limits of the original County of Dubuque. For a somewhat shorter period, the southeastern portion was within the original County of Des Moines. (See Map II.) Later, this area belonged to Cook, a county no longer in existence, and Muscatine, as the name of the original County of Muscatine was spelled. The latter was differently located then than now.<sup>163</sup>

*Jones.*—Like its neighbors Jones County was erected out of the territory of the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>164</sup> Its original boundaries received at this time have remained unaltered to the present time.

The territory of Jones County was part of the Black Hawk Purchase made from the Sac and Fox Indians by the terms of the treaty of September 21, 1832. (See Map I.)

<sup>163</sup> See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>164</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

*Keokuk.*—Like Benton, Buchanan, and Fayette counties, Keokuk County was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>165</sup> Like them, too, it was in its original form only a temporary jurisdiction most of the territory of which was still owned by the Indians. Its boundaries were described in the above mentioned act as follows: "All the country lying west of the County of Johnson, and between the line dividing townships seventy-six and seventy-seven and the line dividing townships eighty-one and eighty-two north, extended to the western boundary of the territory, shall be, and the same is hereby constituted a separate county, to be called Keokuk." Johnson County had been located in the preceding section of the same act. "The western boundary of the territory" was none other than the western boundary of the Territory of Wisconsin, which was at this time the Missouri and White Earth rivers. The original County of Keokuk extended, therefore, from Johnson County on the east across the State of Iowa to the Missouri River. It was one of the largest counties ever created within the limits of the present State of Iowa. It included within its territory all of the present counties of Iowa, Poweshiek, Jasper, Polk, Dallas, Guthrie, Audubon, Shelby, and Harrison, together with the northern one-fourth of the counties of Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, and Keokuk, and the northwestern township of Washington County. (See Map II.)

The original County of Keokuk, as described above, lost one square township in area by an act of the legislature of the Territory of Iowa approved on January 25, 1839.<sup>166</sup> This law changed the name of Slaughter County to Washington and then enlarged the latter by extending its bound-

<sup>165</sup> *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*

<sup>166</sup> *Laws of the Territory of Iowa, 1838-1839, p. 100.*

aries one township farther north and one range farther west. These changes had the effect of giving one square township of the territory of Keokuk County to Washington. (See Map II.)<sup>167</sup>

The boundaries of Keokuk were redefined and the county reduced in size by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>168</sup> The chief importance of this act centers in the fact that the location of the new county was shifted to the southward, indeed, only the northern tier of townships in the new county was also in the old. (See Map II.) The boundaries received in 1843 have remained permanent.

A triangular strip of territory in the eastern part of the county, six or seven miles wide on the south and tapering to a point on the north, was ceded to the United States by the Sac and Fox Indians in a treaty dated October 21, 1837. The remainder of the county was acquired from the same tribes by the treaty of October 11, 1842. (See Map I.)

*Kossuth.*—This, the largest county in Iowa, was first established by an act of the State legislature approved on January 15, 1851.<sup>169</sup> But as created at this time the county contained only 576 square miles. It was located between Palo Alto and Hancock counties and was of the same size. The northern part of the present county was a separate county called Bancroft. Just south was located the County of Humboldt equal in size to Kossuth.<sup>170</sup>

The boundaries of Kossuth County were more than doubled by a law entitled "An act to extend the boundaries of Kossuth County, and to locate the seat of Justice thereof"

<sup>167</sup> Compare Maps V and VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>168</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

<sup>169</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>170</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

which was approved on January 24, 1855.<sup>171</sup> By the terms of this act the counties of Bancroft and Humbolt were blotted out. The territory of the former, together with the northern half of the latter, was added to Kossuth making that county overlarge.<sup>172</sup>

These boundaries were decreased by an act approved on January 28, 1857,<sup>173</sup> which created the new County of Humboldt between Wright and Pocahontas. Kossuth County lost its two southernmost tiers of townships to Humboldt by this act and received thereby boundaries exactly equivalent to those of today.<sup>174</sup> These boundaries, however, were not to be permanent, for on May 13, 1870, there was approved an act<sup>175</sup> by the terms of which the northern part of Kossuth County was erected into a new county called Crocker.<sup>176</sup> This county, located immediately between Winnebago and Emmet contained only 408 square miles. This area being smaller than was allowed by the Constitution,<sup>177</sup> the Supreme Court of the State in a decision handed down on December 11, 1871, declared the act creating the county unconstitutional.<sup>178</sup> The effect of this decision was to restore the territory of Crocker County to Kossuth and to the latter the boundaries which the law of January 28, 1857, had given it. Since 1871 no alterations have been made in the boundaries of Kossuth County.

<sup>171</sup> *Laws of Iowa*, 1854-1855, p. 210.

<sup>172</sup> See Map XIII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>173</sup> *Laws of Iowa*, 1856-1857, p. 199.

<sup>174</sup> See Map XIV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>175</sup> *Laws of Iowa*, 1870, p. 239.

<sup>176</sup> See Map XV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>177</sup> See Article XI, section 2, of the Constitution.

<sup>178</sup> *Garfield vs. Brayton*, 33 Iowa 16.



The territory of the present county of Kossuth was included within the limits of the original County of Fayette established in 1837 and blotted out in 1847. (See Map II.) The southeastern portion of the county was ceded on July 15, 1830, to the United States by the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Santee Sioux. This cession made up part of a larger area known as the "Neutral Ground". The bulk of the county was ceded by the same bands of the Santee Sioux in two treaties signed respectively on July 23 and August 5, 1851. (See Map I.)

*Lee.*—Lee County, as its boundaries were first defined, was carved from the original County of Demoiné by an act of the legislature of the Territory of Wisconsin, approved on December 7, 1836, and in effect from the same day.<sup>179</sup> The boundaries received at this time by Lee County were described in peculiar language, for reasons explained above.<sup>180</sup> As contained in section one of the act subdividing Demoiné County they read as follows: "beginning at the most southern outlet of Skunk river, on the Mississippi; thence a northern direction passing through the grove on the head of the northern branch of Lost Creek, and thence to a point corresponding with the range line dividing range[s] seven and eight, and thence south with the said line to the Des Moines river; thence down the middle of the same to the Mississippi, and thence up the Mississippi to the place of beginning".

From this description it is easy to indicate on a map all of the boundaries of Lee County except the northern one. It is impossible to tell whether this boundary should be composed of two lines or of one. There is nothing in the foregoing definition to prevent drawing the boundary with

<sup>179</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

<sup>180</sup> See above p. 31.

one line only and it is so drawn on certain maps accompanying a former paper by the writer.<sup>181</sup>

As created by the act of December 7, 1836, Lee County was of almost the same size as the Lee County of today. The boundaries of 1836 were retained but little over a year, having been altered by an act of the legislature of the Territory of Wisconsin, approved on January 18, 1838.<sup>182</sup> The United States Survey of the lands of southeastern Iowa having been completed in the meantime, the boundaries of Lee County were now defined in terms of that survey. The new boundaries differed from the old only on the north. The definition of the northern boundary as contained in the act of 1838 was as follows: "Beginning at the main channel of the Mississippi river, due east from the entrance of Skunk river into the same, thence up said river to where the township line dividing townships sixty-eight and sixty-nine north leaves said river; thence with said line to the range line between ranges four and five west; thence north with said line to the township line between ranges sixty-nine and seventy north; thence west, with said line, to the range line between ranges seven and eight west". It is thus seen that the northern boundary of Lee County was made to consist of three straight lines together with the Skunk river for some six or eight miles. It is difficult to say which was the larger, the new Lee, or the old. Map VI

<sup>181</sup> See Maps II, III, VI, in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

The only map that the writer has seen which attempts to show the counties created by the act of December 7, 1836, is one in the manuscript department of the library of the State Historical Society of Wisconsin, at Madison, Wisconsin. This map shows the northern boundary of Lee County as composed of two lines, one running northwestward from the mouth of the Skunk River for about twelve miles, the other running westward from the northern end of the first to the western boundary of the county. Since the map contains other errors this, also, may be an error. Compare note 36 on page 386 of the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>182</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

accompanying the writer's former paper, already mentioned, shows the two practically equal in size.<sup>183</sup> It is probable that the new Lee lost territory to both Henry and Des Moines counties and gained from both.

The third change in the boundaries of Lee County was made by an act passed by the legislature of Iowa, approved on January 23, 1839.<sup>184</sup> This law, although it bore the title of "An Act to establish the boundaries of Lee county" affected equally those of Des Moines County, since it made the Skunk River the boundary between the two. By this change Lee County was increased in size, gaining more territory south of the Skunk River from Des Moines County than it lost in return north of the river.<sup>185</sup> With this alteration the boundaries of Lee County became permanent.

The northern part of the territory of Lee County was formerly part of the Black Hawk Purchase made by treaty with the Sac and Fox Indians on September 21, 1832. The southern part of the county, that is, the part south of the northern boundary of Missouri extended eastward, was long known as the Half-breed Tract. This was because, upon the occasion of the cession by the Sac and Fox Indians of certain lands in Missouri to the United States government by the treaty of August 4, 1824, this particular strip of territory had been reserved for the use of the half-breeds of the Sac and Fox nation.<sup>186</sup>

By an act of the legislature of the Territory of Iowa approved on February 15, 1844, it was proposed to erect the old Half-breed Tract into a new county to be called Madison. The act provided for the submission of the ques-

<sup>183</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>184</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 94.

<sup>185</sup> For a more complete discussion of this law see above p. 33.

<sup>186</sup> This tract was held in common by the half-breeds of the tribe until about 1834, when it was divided among them severally.

tion to the voters of Lee County, who, at an election held in the following April, voted down the proposition, and the new county was never established.<sup>187</sup>

*Linn.*—Linn County was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>188</sup> The county was regular in shape but four townships larger than its neighbors on the north and east which were created at the same time. The boundaries received at this time have never been altered. The name of the county was spelled "Lynn" in the title of the organic act, although spelled Linn in the body of the same.

The eastern part of the County — a little over a third — had been since 1834 a part of the original County of Dubuque. (See Map II.) The territory embraced within the limits of Linn County represents two Indian land cessions. The eastern part was acquired from the Sac and Fox Indians by the treaty of September 21, 1832; the western part by treaty of October 21, 1837. The earlier cession was called the Black Hawk Purchase. (See Map I.)

*Louisa.*—The original county of this name was created by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.<sup>189</sup> It was one of several counties carved from the territory of Demoine County. It is true that a large part of the original County of Louisa had formerly been within the limits of the Keokuk Reserve, but it has been argued above<sup>190</sup> that, although the original County of Demoine did not include Keokuk's Reserve, the territory of the latter, for all practical purposes became part of Demoine County upon its cession to the United

<sup>187</sup> See below p. 129.

<sup>188</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

<sup>189</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

<sup>190</sup> See above p. 30.



States on September 28, 1836. The title of the act of December 7, 1836, creating Louisa and other counties, which reads "An Act dividing the county of Des Moines into several new counties" implies as much. Fully half of the territory which had been within the limits of Keokuk's Reserve, which lay on both sides of the Iowa River, was in Louisa County as first established.

At the time of the creation of the new county southeastern Iowa had not yet been surveyed. For this reason the boundaries of the counties named in the act were peculiar. Those of Louisa County were described as follows: "beginning at the Mississippi River, at the north-east corner of Des Moines; thence up said river twelve miles above the mouth of [the] Iowa; thence west to the Indian boundary line; thence with said boundary line, to the north-west corner of Henry and with the line of the same, to the north-west corner of the County of Des Moines; thence east with the line of the same county of Des Moines to the beginning". These boundaries made Louisa the largest county created by the act of December 7, 1836. The county had five boundary lines instead of the usual number of four. The one difficulty found in attempting to represent the original County of Louisa on a map lies in the location of the northeast corner. Given this point and the boundaries of Henry and Des Moines counties, which were named before Louisa in the act, and it is not difficult to draw Louisa on a map.<sup>191</sup> As constituted at this time Louisa County was about twice as large as at present. It included besides practically all of the present county of the same name (excepting only a little territory in the north), the southeastern part of Washington County, the northeastern part of Henry, and the northern fourth of Des Moines.

<sup>191</sup> See Map II in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

By an act of the legislature of the Territory of Wisconsin approved on January 18, 1838,<sup>192</sup> the boundaries of Louisa County and its neighbors were redefined in terms of the United States Survey. The new Louisa was less than half as large as the old, lying along the Mississippi and Iowa rivers in the eastern part of the original county. Possibly a narrow strip on the north of the new county was not in the original County of Louisa, in which case it would now be gained from the original County of Musquitine. By the act of 1838 the original County of Louisa lost territory to Des Moines, Henry, and Slaughter (the predecessor of Washington) counties.<sup>193</sup> The Louisa County of 1838 differed in size from the present county only in that it lacked the three western townships of the latter. These were added by an act of the legislature of the Territory of Iowa approved on January 12, 1839.<sup>194</sup> With the addition of this area the boundaries of Louisa have remained unchanged to the present time.

The larger part of the area of the present County of Louisa was within the limits of the reservation given to Keokuk on September 21, 1832, at the time of the cession of the so-called Black Hawk Purchase by the Sacs and Foxes. The remainder of the county, comprising the north-east, southeast, and southwest corners, was within the limits of the above named purchase. The whole county had formerly been a part of the original County of Demoiné, while the three western townships once belonged to Slaughter County, and it is possible that a narrow strip on the north was once included within the borders of the original County of Musquitine.

<sup>192</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

<sup>193</sup> See Map VI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>194</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 89.

*Lucas.*—As first created by an act of the legislature of the Territory of Iowa approved on January 13, 1846,<sup>195</sup> the western boundary of Lucas County was located one township farther west than at present, making the county five townships long.<sup>196</sup> Clarke County, west of Lucas, was of the same size.

By an act of the legislature of the State of Iowa approved on December 27, 1848,<sup>197</sup> the boundaries of Lucas County were redefined and made permanent. The western tier of townships was given to Clarke County which lost other territory by the same act.

Lucas County was part of the Sac and Fox cession of October 11, 1842, lying west of the line which divided the cession into two parts. (See Map I.)

*Lyon.*—This county was established under the name of Buncombe County by an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>198</sup> Its boundaries have never been altered. The name was changed to Lyon County by a very brief act approved on September 11, 1862.<sup>199</sup>

The territory of the county was mostly acquired from the Indians known as the Santee Sioux by two treaties dated respectively July 23 and August 5, 1851. Certain small areas on the southern border of the county had been ceded in an earlier treaty dated July 15, 1830. (See Map I.) Lyon County comes within the limits of the original County of Fayette created in 1837 and in existence for ten years. (See Map II.)

<sup>195</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>196</sup> See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>197</sup> *Laws of Iowa, 1848-1849*, p. 32.

<sup>198</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>199</sup> *Laws of Iowa, 1862* (extra session), p. 22.

*Madison.*—By an act approved on February 15, 1844,<sup>200</sup> the legislature of the Territory of Iowa provided for the erection of the old Half-breed Tract, in Lee County, into a new county to be called Madison, subject to the decision of the voters of Lee. At an election held in April, 1844, the proposition failed to carry and the county was not established.

The present County of Madison was established two years later by an act of the legislature of the Territory of Iowa approved on January 13, 1846.<sup>201</sup> Its boundaries as defined in this act have remained permanent. Madison County's northern tier of townships had formerly been part of the original County of Keokuk. (See Map II.) The territory of Madison was ceded by the Sac and Fox Indians in a treaty dated October 11, 1842, the Indians having three years in which to vacate its soil. (See Map I.)

*Mahaska.*—This county was one of several created out of lands ceded to the United States government by the Sac and Fox Indians in the cession of October 11, 1842. (See Map I.) It was established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>202</sup> The boundaries received at this time have remained permanent. The northern tier of townships had formerly been a part of the original County of Keokuk. (See Map II.)

*Marion.*—As established by an act of the legislature of the Territory of Iowa approved on June 10, 1845,<sup>203</sup> the boundaries of Marion County were described as follows: "Beginning at the northwest corner of Mahaska County, and running west on the Township line, dividing Town-

<sup>200</sup> *Laws of the Territory of Iowa, 1843-1844*, p. 142.

<sup>201</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>202</sup> *Revised Statutes of the Territory of Iowa, 1843*, p. 131.

<sup>203</sup> *Laws of the Territory of Iowa, 1845*, p. 93.



ships seventy-seven and seventy-eight north, to the northwest corner of Township seventy-seven, north of range twenty-one west; thence south to the south west corner of Township seventy-four north, of range twenty-one west; thence east along the line dividing Townships seventy-three and seventy-four north, to the south west corner of Mahaska county; thence north along the range line, dividing ranges sixteen and seventeen, to the place of beginning.” This definition of boundaries contains an error. It was undoubtedly the intention of the framers of the act to have the eastern boundary of Marion County and the western boundary of Mahaska County coincide. To this end the northern boundary of Marion County was made to run westward from the northwest corner of Mahaska, and the southern boundary of Marion eastward to the southwest corner of Mahaska County. All that remained to define the eastern boundary of Marion was to connect these two points. It was in doing this that the error was made. The law reads “thence north along the range line, dividing ranges sixteen and seventeen, to the place of beginning.” It should have read “ranges seventeen and eighteen.” The line as actually described in the law does not connect the northeastern and southeastern corners of Marion County. In reality the eastern boundary of the county as here described cannot be drawn on a map.<sup>204</sup>

That the framers of the act of June 10, 1845, did not attempt to give part of the territory of Mahaska County to Marion is proven by the wording of an act approved on January 24, 1847.<sup>205</sup> By this law the boundaries of Marion County were redefined in such a manner as to remove the error in the former act and to make the eastern boundary

<sup>204</sup> See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>205</sup> *Laws of Iowa, 1846-1847*, p. 32.

of Marion coincide with the western boundary of Mahaska.<sup>206</sup> These boundaries have remained permanent.

The territory of Marion County was acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. The line of partition by which this cession was divided into two parts ran through the county either at or near the center. (See Map I.) The northern fourth of the county came within the limits of the original County of Keokuk established in 1837 and in existence until 1843. (See Map II.)

*Marshall.*—This county was established by an act of the legislature of the Territory of Iowa approved on January 13, 1846.<sup>207</sup> The boundaries received at this time have remained permanent.

The territory included within the limits of Marshall County was acquired from the Sac and Fox Indians in the treaty of October 11, 1842. The line of division ran through the county. (See Map I.) From 1837 to 1843 the territory of this county was a part of the original County of Benton which extended during this period westward to the Missouri River. (See Map II.)

*Mills.*—The boundaries of Mills County were defined by the important act of January 15, 1851,<sup>208</sup> and have never since been altered. The county was carved from the territory of the original County of Pottawatamie established in 1847. (See Map II.) The territory included within the limits of Mills was first acquired from the Indians by the terms of the treaty of July 15, 1830, upon which date all those Indian tribes having any claims to the soil of western

<sup>206</sup> See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>207</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>208</sup> *Laws of Iowa, 1850-1851*, p. 27.

Iowa ceded the same to the United States. (See Map I.) The southern portion of this cession was given as a reservation to the Pottawattamie nation on September 26, 1833. The same area was ceded back to the government by the terms of a treaty dated June 5 and 17, 1846. The territory of Mills County was included within the limits of both the Pottawattamie reservation and cession.

*Mitchell.*—Mitchell County, as established by the act of January 15, 1851,<sup>209</sup> lacked a half township of extending as far south as it extends today.<sup>210</sup> Otherwise the boundaries of the county were the same. By an act approved on January 24, 1855,<sup>211</sup> one-half of the four northern townships of Floyd were detached from that county and added to the County of Mitchell.<sup>212</sup> With this alteration the boundaries of the latter became permanent.

Mitchell County came within the limits of the original County of Fayette established in 1837 and in existence for ten years. (See Map II.) The southern portion of Mitchell County was acquired from the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Santee Sioux by a treaty signed on July 15, 1830. Since this cession formed the northern part of so-called "Neutral Ground" it follows that the southern portion of the county was included within its area. All of the "Neutral Ground" lying east of the Red Cedar River was given as a reservation to the Winnebagoes on September 15, 1832. This reservation, which included the southeastern portion of Mitchell County, was again ceded to the United States by a treaty dated

<sup>209</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>210</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>211</sup> *Laws of Iowa*, 1854-1855, p. 185.

<sup>212</sup> See Maps XIII and XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

October 13, 1846. The remaining part of the territory of Mitchell was ceded by the four bands of the Santee Sioux, above mentioned, in two treaties signed one on July 23, and one on August 5, 1851. (See Map I.)

*Monona.*—Like most of the counties of western Iowa, Monona was established by the act of January 15, 1851.<sup>213</sup> As formed at this time the county was larger than at present, its eastern boundary being located one range farther east than it now is.<sup>214</sup>

On April 2, 1862, there was approved a law which outlined a new method of altering county boundaries.<sup>215</sup> The act provided that in case the citizens of two or more counties desired a change of county boundary lines they might petition their respective boards of supervisors to that effect. Upon receipt of such petitions signed by more than one-half of the legal voters in each county, the supervisors thereof must order an election upon the changes desired in the petitions. Such an election must be held in each county concerned and the proposed changes must be ratified by a favorable majority in each before they could be made.

This law was employed in 1865 by Monona and Crawford counties to shift the boundary between them one range farther west.<sup>216</sup> By this change Monona County was decreased in size. Its boundaries have never since been altered.

The territory of Monona was ceded to the United States by the terms of a treaty dated July 15, 1830, upon which date all tribes having any claims to western Iowa yielded

<sup>213</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>214</sup> See Map XI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>215</sup> *Laws of Iowa*, 1863, p. 93.

<sup>216</sup> See Map XV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.



the same to the government. (See Map I.) The county came within the limits of the original County of Benton, established in 1837 and reduced in size in 1843. (See Map II.)

*Monroe.*—Originally called Kishkekosh after an Indian chief, this county was established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>217</sup> The name of the county was changed to Monroe by an act approved on January 19, 1846.<sup>218</sup> The boundaries of the county have never since been altered, either directly or indirectly. The territory of Monroe was within the limits of the Sac and Fox cession of October 11, 1842, and lay just east of the line by which the cession was to be divided into two parts. (See Map I.)

*Montgomery.*—The boundaries of Montgomery County have never been altered since it was first established by an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>219</sup> The county was carved from the territory of the original County of Pottawatamie itself created in 1847. (See Map II.) The soil of Montgomery County was ceded to the United States government by the terms of a treaty signed on July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the four bands of the Santee Sioux yielded up all their claims to western Iowa. (See Map I.) The county was included in the reservation given the Pottawattamie nation on September 26, 1833, and also in the cession made by the same tribes on June 5 and 17, 1846, upon which occasion they surrendered the reservation just mentioned to the United States.

<sup>217</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

<sup>218</sup> *Laws of the Territory of Iowa*, 1845-1846, p. 108.

<sup>219</sup> *Laws of Iowa* 1850-1851, p. 27.

*Muscatine.*—The original County of Muscatine was established by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.<sup>220</sup> In this act the name was spelled "Musquitine". The new county, together with several others named in the same act, was carved from the original County of Demoiné after the latter had been enlarged by the addition of Keokuk's Reserve.<sup>221</sup> The boundaries received by Musquitine County were described in peculiar phrases for reasons already explained.<sup>222</sup> As given in section six of the act subdividing Demoiné County they read as follows: "beginning on the Mississippi River, at the north-east corner of the county of Louisa; thence up said river twenty-five miles on a straight line; thence west to the Indian boundary line; thence with said boundary line south to the north-west corner of the county of Louisa; thence east with the line of said county of Louisa to the beginning".

The boundaries of Louisa County were defined in the preceding section of the same act. The "Indian boundary line" on the west was the western line of the Black Hawk Purchase, which did not run due north and south but north by 28 degrees east.<sup>223</sup> The chief difficulty in representing the boundaries of Musquitine County on a map arises in connection with the eastern boundary, or, to be more specific, in connection with the location of the northeastern corner. This point was to be up the Mississippi River twenty-five miles "in a straight line" from the northeastern corner of Louisa. A straight line doesn't follow the river very closely just here because of a wide bend. There

<sup>220</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

<sup>221</sup> See above p. 30.

<sup>222</sup> See above p. 70.

<sup>223</sup> Abernethy on *Iowa under Territorial Governments and the Removal of the Indians*, in the *Annals of Iowa*, July, 1906, p. 431.

seems to be no alternative, however, in regard to the straight line. It extends up the river, not down, and follows it as closely as possible. The corner in question can be located, then, at the point, where a twenty-five mile line, used as a radius with the northeast corner of Louisa County as a center, intersects the Mississippi River. The only objection that can be made to such a procedure is that the point of intersection brings us nearly up to Rock Island which has the effect of almost crowding Cook<sup>224</sup> County (the boundaries of which were described in the following section of the act) off the map.

As thus drawn Musquitine County was very long and relatively narrow.<sup>225</sup> It contained about the same area as the present County of Muscatine, only a little over half of which was embraced within its borders. In its eastern part it included territory now belonging to Scott County. Its western part contained areas now belonging to Johnson, Washington, and Louisa counties.<sup>226</sup>

Since its first establishment the boundaries of Muscatine County have been altered twice. Its original form was retained less than a year. On December 21, 1837, an act<sup>227</sup> of the legislature of the Territory of Wisconsin was approved by the terms of which the original County of Dubuque, together with some additional territory acquired from the Sac and Fox Indians by the treaty of October 21, 1837, was subdivided into new counties. In defining the boundaries of these new counties the framers of the act did not observe with care either the border-line between the original counties of Dubuque and Demoiné, or the boundary

<sup>224</sup> See below p. 117.

<sup>225</sup> See Map II in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>226</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>227</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

lines of the counties established by the act of December 7, 1836. As a result of this negligence a part of the original County of Dubuque was not included within the limits of any of the newly created counties,<sup>228</sup> while on the other hand, the new counties of Scott and Johnson were extended so far south that they encroached upon the domains of the existing counties of Cook and Musquitine. In this way, since the later law would, of course, supersede the earlier in so far as the two came into conflict, Musquitine County lost a little territory on the east to Scott County and a little on the northwest to Johnson, and was consequently materially changed in its shape.

The boundaries of Musquitine County retained this new form less than a month, for, by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838,<sup>229</sup> they were redefined in terms of the United States Survey which had now been completed in this part of Iowa. The shape of the new county was altered materially, it being made shorter (from east to west) and wider (from north to south). By the change some territory on the west was lost to Slaughter (Washington) County. The spelling of the name was changed to Muscatine. The boundaries received in 1838 have remained permanent.

Nearly all of the territory within the present limits of the County of Muscatine was part of the Black Hawk Purchase of September 21, 1832. The southwest corner, which was not so included, fell within the boundaries of Keokuk's Reserve acquired by the United States on September 28, 1836. (See Map I.)

The northern part of the county (that part north of a line drawn due west from the lower end of Rock Island)

<sup>228</sup> See Map III in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>229</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.



was within the limits of the original County of Dubuque. The remainder belonged to the original County of Demoine. (See Map II.) Later the northern part of this remainder belonged to the now extinct County of Cook.<sup>230</sup>

*O'Brien.*—The boundary history of this county is comparatively brief. Established by the act of January 15, 1851,<sup>231</sup> its boundaries have never since been altered. The territory of O'Brien County was practically all ceded to the United States by various Indian Tribes<sup>232</sup> in a treaty dated July 15, 1830. (See Map I.) It is possible that a small area in the northwestern part of the county was not ceded until 1851, in which year the four bands of Santee Sioux relinquished their claims to certain regions in northern and northwestern Iowa by treaties signed July 23, and August 5. (See Map I.) O'Brien's area was included within the limits of the original County of Fayette established in 1837 and reduced in size in 1847. (See Map II.)

*Osceola.*—This county was established by the important act of the legislature of the State of Iowa approved on January 15, 1851.<sup>233</sup> The location and size of the county have never been altered. The area was 408 square miles. As first created, Osceola County was unconstitutional, because the Constitution of 1846, which was then in force, forbade the formation of any county with an area less than 432 square miles.<sup>234</sup> The County of Osceola was not organized until after the present State Constitution was adopted in 1857. This document, although forbidding the organiza-

<sup>230</sup> See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>231</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>232</sup> See the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 439.

<sup>233</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>234</sup> See Article XI, section 2, of the Constitution of 1846.

tion of any old county, or the erection of any new county, with an area of less than 432 square miles, made an exception in favor of the organization of Worth County, and of the other counties on the northern border of the State west of Worth, the areas of which, according to the law creating them, were less than required by the Constitution.<sup>235</sup> This clause in the fundamental law of the commonwealth may be said to have legalized the boundaries and even the existence of Osceola County.

The eastern part of the county was acquired by the United States according to the terms of an Indian treaty signed on July 15, 1830, upon which date all those tribes<sup>236</sup> having any claims to the soil of western Iowa surrendered the same. (See Map I.) The western part of Osceola was ceded by the four bands of the Santee Sioux in two treaties signed respectively on July 23 and August 5, 1851. From 1837 to 1847 the territory of Osceola County was included within the original County of Fayette. (See Map II.)

*Page.*—Page County was created by an act of the legislature of the State of Iowa approved on February 24, 1847.<sup>237</sup> Its boundaries have never since been altered. The territory of the county was first ceded to the United States by the terms of a treaty signed on July 15, 1830, upon which date all the Indian tribes having any claims to the soil of western Iowa relinquished the same to the government. (See Map I.) The southern part of this cession was given as a reservation to the Pottawattamie nation on September 26, 1833. This reservation was receded to the government by the terms of a treaty dated June 5 and 17, 1846. The soil of Page County was within the limits of the Pottawattamie reservation and cession. (See Map I.)

<sup>235</sup> See Article XI, section 2, of the Constitution of 1857.

<sup>236</sup> See above p. 55.

<sup>237</sup> *Laws of Iowa, 1846-1847*, p. 114.

On the same day that Page County was created, an act<sup>238</sup> was approved creating the temporary County of Pottawatamie coextensive with the cession of 1846. The effect of this act is difficult to determine. Page County was within the limits of the cession mentioned, and therefore seems to come within the limits of the temporary County of Pottawatamie. It is hardly probable that the framers of the two acts of February 24, 1847, meant to put any territory into two counties at the same time, yet, since there is no way of determining which of the two acts was approved last, this is exactly what they seem to have done.<sup>239</sup> Fremont, Taylor, and part of Ringgold counties possessed the same status as Page since all four were established by the same act. (See Map II.) The temporary County of Pottawatamie ceased to exist in 1851 when its territories were divided up among many smaller counties. It is probable that the framers of the two acts of February 24, 1847, never intended that Pottawatamie County should include Page County which was established on the same day. However, of this point one cannot speak with certainty.

*Palo Alto.*—Established by the important act of the legislature of the State of Iowa approved on January 15, 1851,<sup>240</sup> the boundaries of Palo Alto County have remained permanent. The territory of the county was included within the limits of the original County of Fayette which was established in 1837 and continued in existence until 1847. (See Map II.) Palo Alto represents two Indian land cessions. The western portion was ceded by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpejuta, Wahpeton, and Sisseton bands of the

<sup>238</sup> *Laws of Iowa, 1846-1847*, p. 115.

<sup>239</sup> See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>240</sup> *Laws of Iowa, 1850-1851*, p. 27.

Santee Sioux in a treaty signed on July 15, 1830. The eastern portion was ceded by the four bands of the Santee Sioux, just mentioned, in two treaties dated July 23 and August 5, 1851. (See Map I.)

*Plymouth.*—Like most of the counties in western Iowa, Plymouth was established by an act of the legislature of Iowa, approved on January 15, 1851.<sup>241</sup> Its boundaries received at this time have never been altered. The territory included in Plymouth was ceded to the United States by various tribes.<sup>242</sup> The treaty of cession was dated July 15, 1830. (See Map I.) The southern tier of townships in Plymouth was for a few years included within the limits of the temporary County of Buchanan created in 1837. The remainder of the county belonged from 1837 to 1847 to the temporary County of Fayette. (See Map II.)

*Pocahontas.*—Pocahontas County received its present boundaries at the time it was established by the act of January 15, 1851.<sup>243</sup> The southern fourth of the county was included within the bounds of the original County of Buchanan created in 1837 and in existence for six years. The northern three-fourths came within the limits of the original County of Fayette which was established in 1837 and blotted out in 1847. (See Map II.)

The territory of Pocahontas County represents several Indian land cessions. The larger part of its area was ceded by the treaty of July 15, 1830, upon which date all those tribes<sup>244</sup> having any claims to the soil of western Iowa relinquished the same to the United States. (See Map I.) A small area in the southeastern corner of the county comes

<sup>241</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>242</sup> See discussion of Palo Alto County.

<sup>243</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>244</sup> See discussion of Palo Alto County.



within the limits of the Sac and Fox cession of October 11, 1842. The northeastern portion of the county, in general, was acquired from the four bands of Santee Sioux by treaties signed on July 23 and August 5, 1851. A very small area in the northeastern part of the county, east of the Des Moines River, had been ceded by the same Sioux bands on July 15, 1830. (See Map I.) This cession formed part of the famous "Neutral Ground".

*Polk.*—The boundary history of Polk County is very complicated. As first established by the act of January 13, 1846,<sup>245</sup> the county was four townships square, containing 576 square miles as against 580+ today. It was located one range farther east than the present Polk County.<sup>246</sup> Its boundaries were definite and there were no errors in the description of them.

On January 17, 1846, there was approved an act<sup>247</sup> supplementary to the act of January 13 by the terms of which the boundaries of Jasper, Polk, and Dallas counties were redefined. The boundaries of Polk County were described in section two of this act as follows: "beginning at the north-east corner of township 81, north, of range 22 west; thence west, to the north-west corner of township 81, north of range 25 west; thence south to the south-west corner of township 77, north, of range 22 west; and thence north, to the place of beginning". This description contains a serious error, in that the entire southern boundary of the county was omitted. Nor is this merely a printer's error — the original manuscript copy of the act, presumably in the hand-writing of the author of the bill, contains the same

<sup>245</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>246</sup> See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>247</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 75.

omission.<sup>248</sup> It was intended by the act to move the western boundary of Jasper County one range farther west, to shift both Polk and Dallas counties one range farther west, and to extend the southern boundary of Polk one township farther south giving it one-fourth of the territory of Warren County.<sup>249</sup> The reason for these changes did not grow out of errors in the act of January 13, 1846. It is true that that act contained errors in its description of the boundaries of Jasper County, but those errors could have been corrected without altering the location of the county. The real reason for the shifts in the location of the three counties made by the act of January 17th, arises out of Polk County itself. It seems that the boomers of Fort Des Moines were having a hard time in winning the county-seat for that place. The town was not near enough to the center of the county, being too far south and west. So the plan was conceived of shifting the county westward and extending it, at the same time, farther to the south. The legislature was manipulated and hence the act of January 17, 1846. Fort Des Moines was now near the center of the county and secured the county-seat.

By an act approved on January 28, 1847, the boundaries of Polk County were again defined.<sup>250</sup> They were the same which the act of January 17, 1846, attempted to establish, indeed, the wording of the two acts is identical with the exception that the southern boundary, omitted in the earlier act, is now included. If any doubt existed as to the intention of the framers of the act of January 17, 1846, to give part of the territory of Warren County to Polk, that doubt

<sup>248</sup> See volume for 1845-1846 of the original manuscript copies of the acts of the legislature of the Territory of Iowa, as kept on file in the office of the Secretary of State, Des Moines, Iowa.

<sup>249</sup> See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>250</sup> *Laws of Iowa, 1846-1847*, p. 33.

is removed by the law of January 28, 1847. Remembering that the law of January 17, 1846, which first sought to make this transfer, was imperfect, an interesting question relative to the status of the territory to be transferred arises. Did it belong, after this act went into force, to Polk County or to Warren? The letter of the law failed to transfer it; the intention of the framers undoubtedly was to make such transfer, and the courts would probably have decided, had a test case arisen, in favor of the intention of the framers.

The inhabitants of Warren County did not part willingly with a portion of their territory. Immediately after the transfer an agitation was begun for the return of the strip in question. This was accomplished by an act approved on January 14, 1853,<sup>251</sup> in which the boundaries of Warren County were defined anew in such a way as to take from Polk County and restore to Warren the four townships in question, except that in making the restitution that part of township 77 north, range 22 west, which lay north of the Des Moines River was reserved to Polk County.<sup>252</sup> This strip contains between four and five square miles of territory and brings the area of Polk County up to something more than 580 square miles.<sup>253</sup> The boundaries of Polk have not been altered since the act of January 14, 1853, went into force. An attempt was made, however, to alter them slightly in 1880, but it did not carry. On the northern border of Polk County there was a small town called Sheldahl which was also partly in Boone and partly in Story County. By an act approved on March 7,<sup>254</sup> the General

<sup>251</sup> *Laws of Iowa*, 1852-1853, p. 40.

<sup>252</sup> See Map XII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>253</sup> *The Iowa Official Register*, 1907-8, gives the areas of Polk and Warren counties at 576 square miles each, while Polk has 580+ and Warren 571+. See *Iowa Official Register*, 1907-'8, p. 785.

<sup>254</sup> *Laws of Iowa*, 1880, p. 191.

Assembly sought to throw this town into Story County. The effect of this would have been to slightly decrease the areas of Polk and Boone counties and to increase that of Story. The act, of course, was submitted to the voters of the three counties but was not ratified.

The territory of Polk was acquired from the Sac and Fox Indians by the cession of October 11, 1842. Lying west of the line of division it was not required to be vacated until three years later. (See Map I.) From 1837 to 1843 the soil of Polk County was included within the limits of the temporary County of Keokuk. (See Map II.)

*Pottawattamie.*—The present County of Pottawattamie was preceded by a temporary county of the same name<sup>255</sup> established by an act of the State legislature approved on February 24, 1847.<sup>256</sup> Like all of the other temporary counties of Iowa, the original County of Pottawatamie was of very large size. Its boundaries were described in the act just mentioned in a rather indefinite manner, the act declaring “That the country embraced within the limits of what is called the Pottawatamie purchase, on the waters of the Missouri river, in this State, [Iowa] be, and the same may be, temporarily organized into a county, by the name of Pottawatamie”.

The “Pottawatamie purchase” here mentioned refers to the cession made by that nation on June 5 and 17, 1846,<sup>257</sup> upon which dates the Pottawattamie tribes ceded back to the United States the reservation which the government had made over to them by the terms of a treaty signed at Chicago on September 26, 1833.<sup>258</sup> This reservation con-

<sup>255</sup> The name of the temporary county was spelled “Pottawatamie” in the act creating it. In this discussion the original spelling of all proper names will be retained.

<sup>256</sup> *Laws of Iowa, 1846-1847*, p. 115.

<sup>257</sup> *U. S. Statutes at Large*, Vol. IX, p. 853.

<sup>258</sup> *U. S. Statutes at Large*, Vol. VII, p. 431.



tained 5,000,000 acres, as did also the cession of 1846 and the county of 1847, all three of which were, indeed, the same tract of land. The boundaries of this tract remain somewhat indefinite since they were never surveyed by the government. Especially is this true of the northern boundary. The writer has given a detailed description of the boundaries of the temporary County of Pottawatamie in a former paper.<sup>259</sup> In this connection an attempt was made to illustrate the boundaries of the county upon the map of Iowa.<sup>260</sup> (See also Map I accompanying this paper.) As thus drawn the temporary County of Pottawatamie included the territory of the present counties of Fremont, Page, Taylor, Mills, Montgomery, Adams, and Cass; most of Pottawatamie, Shelby, and Audubon; and parts of Ringgold, Union, Adair, Guthrie, Carroll, Crawford, and Harrison.

On the same day that the act authorizing the formation of the temporary County of Pottawatamie was approved, there was approved another act establishing the four counties of Fremont, Page, Taylor, and Ringgold.<sup>261</sup> The boundaries of Pottawatamie were made to overlap those of the four counties just named. (See Map II.) The effect of this is difficult to determine. There is no way to tell which act went into force first. It is hardly probable that the framers of these two acts meant to put the same territory into two different counties at the same time. The chances are that they intended Pottawatamie to include all of the cession of 1846 not comprised within the limits of Fremont, Page, Taylor, and Ringgold. The law authorizing the establishment of Pottawatamie was so worded as to make the very existence of the county depend upon its organization.

<sup>259</sup> See article by the writer in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>260</sup> See Map X of the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>261</sup> *Laws of Iowa, 1846-1847*, p. 114.

It seems to have been actually organized on September 21, 1848. The other four counties were permanent from the beginning, while Pottawattamie in its original form was never intended to be anything but a temporary jurisdiction.

The present County of Pottawattamie was formed by an act approved on January 15, 1851.<sup>262</sup> With the exception of the northwest corner, all its territories were included within the limits of the temporary county of the same name. The northern tier of townships was also part of the temporary County of Keokuk from 1837 to 1843. (See Map II.)

By an act approved on March 10, 1874,<sup>263</sup> the General Assembly made an attempt to create a new county to be called Belknap<sup>264</sup> out of the eastern part of Pottawattamie. The line separating ranges 41 and 42, west, was to be the dividing line between the two counties. Such a division would have given Belknap County an area of 432 square miles and left Pottawattamie 444, fulfilling the requirements of the Constitution as to size in both cases. The act required the submission of the question of establishing the new county to the voters of Pottawattamie. At the general election held on October 13, 1874, the proposition was voted down, the vote standing 1250 for, and 1558 against, the division. The proposed county of Belknap was, therefore, never established.

The legislature was reluctant to give up the attempt. By an act approved on March 17, 1876,<sup>265</sup> the question of dividing Pottawattamie into two counties was again submitted. The new county was coextensive with the proposed County of Belknap. This time it was to be called Grimes. At the

<sup>262</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>263</sup> *Laws of Iowa*, 1874 (Private, Local, and Temporary), p. 19.

<sup>264</sup> See Map XV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

<sup>265</sup> *Laws of Iowa*, 1876, p. 156.

general election held on November 7, 1876, the division was again voted down, 1848 voters favoring it and 2651 opposing. The second largest county in the State remained undivided.

*Poweshiek*.—Poweshiek County was carved out of the original County of Keokuk (See Map II.) by an act of the legislature of the Territory of Iowa, approved on February 17, 1843.<sup>266</sup> The boundaries first received have remained permanent. The territory comprised within the limits of Poweshiek County was ceded by the Sac and Fox Indians to the United States government by the treaty of October 11, 1842. (See Map I.) The county lay in the eastern half of the cession which was vacated three years earlier than the western part.

*Ringgold*.—This county on the Missouri border was, together with the three counties lying west of it, established by an act of the legislature of the State of Iowa, approved on February 24, 1847.<sup>267</sup> The boundaries given the county at this time have remained permanent.

On the same day that Ringgold was created, an act<sup>268</sup> was approved creating the temporary County of Pottawattamie which was to be coextensive with the Pottawattamie cession of 1846. The effect of this act is difficult to determine since the western part of Ringgold County had been within the limits of this cession, as had also the counties of Taylor, Page, and Fremont. It is hardly probable that the framers of these acts meant to put any territory into two counties at the same time, yet, since there is no way of determining which of the two acts mentioned above was approved last, this is exactly what they seem to have done.<sup>269</sup>

<sup>266</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

<sup>267</sup> *Laws of Iowa*, 1846-1847, p. 114.

<sup>268</sup> *Laws of Iowa*, 1846-1847, p. 115.

<sup>269</sup> See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

It is possible, however, that the territory of Fremont, Page, Taylor, and Ringgold counties was not meant to be included within the limits of the original County of Pottawatamie. When the latter was reduced to its present size by the act of January 15, 1851, the boundaries of Ringgold and its neighbors on the west were not redefined. This would seem to imply that the fact that the boundaries of the original County of Pottawatamie overlapped those of Ringgold was a matter of no consequence.

The eastern portion of Ringgold County was part of the Sac and Fox cession of October 11, 1842. (See Map I.) The western part was ceded to the United States by various tribes in the treaty of July 15, 1830. On September 26, 1833, it was included within the limits of a reservation given to the Pottawattamie Indians. The same area was ceded to the United States by the Pottawattamie nation in the treaty dated June 5 and 17, 1846.

*Sac.*—Sac County was given its permanent boundaries by the act of January 15, 1851.<sup>270</sup> The southeastern portion of the county, about one-third of it, was acquired from the Sac and Fox Indians through the treaty of October 11, 1842. The rest of its territory had been acquired by the United States as early as 1830, in which year the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Sioux ceded all their claims to western Iowa in a treaty signed on July 15. (See Map I.)

From 1837 to 1843 the southern tier of townships of Sac County was included within the limits of the original County of Benton, the remainder being within the borders of the original County of Buchanan. (See Map II.)

*Scott.*—This county was established and given its per-

<sup>270</sup> *Laws of Iowa, 1850-1851, p. 27.*



manent boundaries by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.<sup>271</sup> Scott is one of the few counties of the State which has two river boundaries. All of that part of Scott County lying north of a line drawn due west from the lower end of Rock Island came from the territory of the original County of Dubuque. (See Map II.) That part lying south of the same line was appropriated to the new county from Cook and Musquitine, very little, however, coming from the latter.<sup>272</sup> The area acquired from Cook and Musquitine had formerly been part of the original County of Demoine.

Scott County is sometimes called the successor of Cook.<sup>273</sup> This is not accurate since the two counties existed side by side for over a month, while nine-tenths of the territory of Scott County came, not from Cook County, but rather from the original County of Dubuque.

The entire county was included within the limits of the Sac and Fox cession of September 21, 1832, often called the Black Hawk Purchase. (See Map I.)

*Shelby.*—The County of Shelby was established by an act of the State legislature of Iowa, approved on January 15, 1851.<sup>274</sup> Its boundaries have never since been altered. The territory of the present county was acquired from the Indians by the terms of a treaty signed on July 15, 1830, upon which date all those tribes<sup>275</sup> having any claims to the soil of western Iowa relinquished the same to the United States government. (See Map I.) All of the county except the northwest portion was ceded to the Pottawattamie nation as a part of the reservation granted those tribes on Sep-

<sup>271</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

<sup>272</sup> See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>273</sup> Gue's *History of Iowa*, Vol. I, p. 175, note.

<sup>274</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>275</sup> For the names of these tribes see discussion of Sac County above.

tember 26, 1833. The same area was consequently within the limits of the Pottawattamie cession of June 5 and 17, 1846, and also of the original County of Pottawattamie created in 1847 and reduced in size in 1851. The reservation of 1833 and the cession of 1846 were coextensive in size and area with the temporary county shown in Map II. The territory of the entire county was included within the limits of the temporary County of Keokuk established in 1837 and reduced in size in 1843. (See Map II.)

*Sioux.*—Like half of the counties of Iowa, Sioux County was established by the important act of January 15, 1851.<sup>276</sup> Its boundaries received at this time have remained permanent. The larger part of its territory was acquired by the United States government through the treaty of July 15, 1830, upon which date western Iowa was ceded by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the four bands of the Santee Sioux. (See Map I.) The northwestern portion, and possibly a little territory on the northern border of the county, was ceded by the four bands of Santee Sioux by two treaties dated respectively July 23 and August 5, 1851. All of the territory of Sioux County came within the limits of the original County of Fayette established in 1837 and in existence for ten years. (See Map II.)

*Story.*—This county was established by an act of the legislature of the Territory of Iowa, approved on January 13, 1846.<sup>277</sup> The boundaries received at this time have never been altered, although an attempt was made to do so in 1880, when the legislature, by an act<sup>278</sup> approved on March 27, sought to throw the unincorporated town of Sheldahl into Story County. Part of this town was in Boone County and part in Polk. The question of the transfer was

<sup>276</sup> *Laws of Iowa, 1850-1851*, p. 27.

<sup>277</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>278</sup> *Laws of Iowa, 1880*, p. 191.

submitted to the voters of the three counties concerned, but the change was never made. Had the proposition carried the area of Story County would have been slightly increased. The county was carved from territory which formed part of the original County of Benton from 1837 to 1843. (See Map II.)

Story County lies within the limits of the Sac and Fox cession of October 11, 1842. It was west of the line of division, in the part vacated by the Indians on October 11, 1845. (See Map I.)

*Tama.*—Tama County was carved from the original County of Benton by an act of the legislature of the Territory of Iowa approved on February 17, 1843.<sup>279</sup> The boundaries given to Tama County by this act were defined with reference to those of Benton County. The description began as follows: "beginning at the northwest corner of Benton County, thence west," etc., and closed thus: "thence east to the southwest corner of Benton County; thence north to the place of beginning". From this it is seen that the western boundary of Benton County was to be the eastern boundary of Tama. But in defining the western boundary of Benton County an error had been made, as already explained. (See Benton County.) It is really impossible to draw upon a map the western boundary of Benton County as described in the act of 1843.<sup>280</sup> If this boundary was defective the eastern boundary of Tama County was likewise defective. This condition of affairs continued until 1858 when the State legislature, by an act <sup>281</sup> approved on March 22, redefined the boundary line between the two counties, definitely establishing it upon the line which separates

<sup>279</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

<sup>280</sup> See Map VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>281</sup> *Laws of Iowa*, 1858, p. 240.

ranges 12 and 13 west of the fifth principal meridian.<sup>282</sup> Since March 22, 1858, the boundaries of Tama County have remained unaltered.

The territory of the county was acquired from the Sac and Fox Indians through the treaty of October 11, 1842. (See Map I.) As hinted at above, the area of Tama was included within the limits of the original County of Benton from 1837 to 1843. (See Map II.)

*Taylor.*—The County of Taylor was established by an act of the legislature of the State of Iowa approved on February 24, 1847.<sup>283</sup> Its boundaries received at this time have never been changed. The territory of Taylor County was first acquired by the government through the terms of a treaty signed on July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux ceded all their claims to the soil of western Iowa. (See Map I.) The southern part of this cession was given as a reservation to the Pottawattamie nation on September 26, 1833, and ceded back again to the government by the terms of a treaty dated June 5 and 17, 1846. The soil of Taylor County was within the limits of the reservation and also of the cession just mentioned. (See Map I.)

On the same day that the act creating Fremont, Page, Taylor, and Ringgold counties was approved, there was approved an act establishing the temporary County of Pottawattamie<sup>284</sup> coextensive with the cession of 1846. The effect of this law seems to have been to make the boundaries of the temporary County of Pottawattamie overlap those of

<sup>282</sup> See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>283</sup> *Laws of Iowa, 1846-1847*, p. 114.

<sup>284</sup> *Laws of Iowa, 1846-1847*, p. 115.



the four counties just named.<sup>285</sup> The territory of Taylor County seems to have been within the limits of two counties at the same time, since there is no way to tell which law took precedence.<sup>286</sup>

The temporary County of Pottawatamie was reduced in size by the act of January 15, 1851. This law had nothing to say about the boundaries of Taylor County which, indeed, have never been altered directly since the county was established by the act of February 27, 1847.

*Union.*—Established by the act of January 15, 1851,<sup>287</sup> the boundaries of Union County have never since been altered. The eastern portion of the territory of the new county had been acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. (See Map I.) The western portion comes within the limits of the cession of July 15, 1830,<sup>288</sup> of the Pottawattamie reservation of September 26, 1833, and of the Pottawattamie cession of June 5 and 17, 1846.<sup>289</sup> The same area was included within the boundaries of the temporary County of Pottawatamie from 1847 to 1851. (See Map II.)

*Van Buren.*—Van Buren County, as first established, was one of the counties carved from the original County of Demoiné by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.<sup>290</sup> Southeastern Iowa not yet having been surveyed, the boundaries of the new county did not follow township lines, as in later acts,

<sup>285</sup> See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>286</sup> See also the discussions of Fremont, Page, and Ringgold Counties above.

<sup>287</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>288</sup> For the tribes making this cession see discussion of Taylor County above.

<sup>289</sup> See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>290</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 76.

but were defined in the law as follows: "beginning at the northwest corner of Lee; thence south with the west line of said county to the river Des Moines; thence up the same to where the Missouri line strikes the same; thence west with the said Missouri line to the Indian boundary line; thence north with the said boundary line twenty-four miles; thence east to the beginning."

The chief difficulty in drawing these boundaries on a map lies in the location of the starting point. The boundaries of Lee County were probably the most obscure of those of any county named in this act. The perplexities which they present have been discussed above.<sup>291</sup> Given the starting point, the boundaries of Van Buren are easily traced, if the wording of the act is not taken too literally. The "Indian boundary line" on the west is, of course, the western line of the Black Hawk Purchase, which did not run due north but north by 28 degrees east.<sup>292</sup> Nor should it be understood from the definition that the northern boundary ran due east. It, without doubt, ran a little south of east.<sup>293</sup>

In size, Van Buren County as first established was probably a trifle smaller than it is today. Its original boundaries were retained but little over a year, since they were redefined by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838.<sup>294</sup> The new boundaries followed the township lines of the United States Survey which had now been completed for this section of Iowa, in other words, the western boundary was made to run due north and south and the northern boundary due east and west giving to the county a regular shape.

<sup>291</sup> See above p. 66.

<sup>292</sup> Abernethy on *Iowa Under Territorial Governments and the Removal of the Indians* in the *Annals of Iowa*, July, 1906, p. 431.

<sup>293</sup> See Map II in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>294</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

By these changes Van Buren County gained territory in its northeastern and northwestern corners and lost territory in its southwestern corner. On the whole it must have gained more than it lost and, therefore, was increased a trifle in size.<sup>295</sup> As a result of this redefinition of boundaries a part of the earlier county (the southwestern corner) was now left outside of the jurisdiction of any county whatsoever. The boundaries which Van Buren County received in the act of January 18, 1838, have never been altered.

Most of the territory of the present County of Van Buren was formerly part of the Black Hawk Purchase made from the Sac and Fox Indians by treaty on September 21, 1832. The northwestern corner was part of the cession made by the same tribes on October 21, 1837. (See Map I.) All except this northwestern part was also within the limits of the original County of Demoine, (See Map II.) while the northeastern corner was part of Henry County from December 7, 1836, to January 18, 1838.<sup>296</sup>

*Wapello.*—Wapello was created by an act of the legislature of the Territory of Iowa, approved on February 17, 1843.<sup>297</sup> Its boundaries were defined as follows: "beginning at the northwest corner of Jefferson county, (11) eleven and (12) twelve west, thence west on township line (73) seventy-three and (74) seventy-four to range line dividing ranges (15) fifteen and (16) sixteen; thence south on said line, to the northwest corner of Davis county; thence east, to the southwest corner of Jefferson county; thence north, on the range line dividing ranges (11) eleven and (12) twelve to the place of beginning". From this quotation it

<sup>295</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>296</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>297</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

is seen that the boundaries of Wapello County were defined in reference to those of Jefferson County. The latter county had been established in 1839. Its western boundary was the western line of the Sac and Fox cession of October 21, 1837.<sup>298</sup> This line ran, not from north to south, but from northeast to southwest. Since the boundaries of Jefferson County had never been altered in the meantime, this northeast and southwest line was still the western boundary of Jefferson in 1843 when Wapello was created. The eastern boundary of Wapello was, therefore, defective. "Beginning at the northeast corner of Jefferson County" would not be beginning on the line between ranges eleven and twelve, as the law implies. And, similarly, the eastern boundary could not run north, from the southwest corner of Jefferson County, on the line between ranges eleven and twelve. Even if it did, it would not arrive at "the place of beginning" mentioned above. It seems too much to imply that the peculiar wording of the definition of the boundaries of Wapello County as quoted above was enough to alter legally the location of the western boundary of Jefferson County. The boundaries of Wapello County have never been altered but remain defective today. Technically there exists a triangular strip of land between Wapello and Jefferson Counties which is included within neither.<sup>299</sup>

The framers of the act of 1843 undoubtedly meant to make the line between ranges eleven and twelve, west, the eastern boundary of Wapello. It is so shown on Map I. The territory of the county thus understood was a part of that acquired from the Sac and Fox Indians by the cession of October 11, 1842. (See Map I.)

<sup>298</sup> See discussion of Jefferson County above p. 58.

<sup>299</sup> See Maps VII and XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.



*Warren.*—The County of Warren was first established by an act approved on January 13, 1846.<sup>300</sup> Its boundaries were defined in the law as follows: "Beginning at the north-west corner of Marion county; thence west, along the line dividing townships 77 and 78, to the north-west corner of township 77, north of range 25 west; thence south to the south-west corner of township 71, north of range 25 west; thence east, to the south-west corner of Marion county; thence north, to the place of beginning." This description of boundaries contains a serious error. The western boundary is extended so far south that when the southern boundary is run eastward it does not arrive at the southwest corner of Marion County. It is impossible to draw the county on a map as its boundaries are described above.<sup>301</sup> The error in the section just quoted is very simple. If the number 74 be substituted for the number 71, the boundaries will be correct. Possibly this is only a printer's error. Reference to the original manuscript copy of the act does not, however, enable one to say just who is responsible for the error because the number to be found there could pass either as a 71 or a 74.<sup>302</sup> The context shows plainly that the number should have been interpreted as 74.

The boundaries which the act of January 13, 1846, gave or attempted to give to Warren County differed from the present boundaries of the county only in the northeast corner. The Des Moines River formed no part of the northern boundary then, but the line between townships 77 and 78 was extended clear to the northeast corner. In other words the county was intended to be four townships square. But

<sup>300</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>301</sup> See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>302</sup> See volume for 1845-1846 of the original manuscript copies of the acts of the General Assembly as kept on file in the office of the Secretary of State, Des Moines, Iowa.

it was not allowed to retain this size long, for, by an act approved on January 17, 1846,<sup>303</sup> Polk County was moved one range westward and extended one township southward causing it to overlap one-fourth of the area of Warren County. The reasons for these changes in the boundaries of Polk County have been explained above.<sup>304</sup> Here all that concerns us is to notice the loss of territory suffered by Warren County. It is interesting to note, however, that in attempting to extend the limits of Polk County a serious error was made in the definition of its boundaries. The southern boundary indeed, the one which should have overlapped Warren County, was omitted altogether. While some question might be raised as to the validity of the transfer of territory from Warren to Polk in the light of this error, no doubt remains as to the intentions of the framers of the act. All questions of doubt were set at rest by an act approved on January 28, 1847,<sup>305</sup> by which the boundaries of Polk County were again defined and the error in the last law corrected. No changes were made in the boundaries of Polk, the act being merely a copy of that of January 17, 1846, with the missing boundary included.<sup>306</sup>

The understanding of the citizens of Warren County concerning the four townships transferred to Polk by the acts of 1846 and 1847, seems to have been that they were merely loaned in order to enable Fort Des Moines to get the county-seat. At any rate an agitation was begun at once to secure their return to the former county. This result was brought about by an act approved on January 14, 1853,<sup>307</sup>

<sup>303</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 75.

<sup>304</sup> See above p. 86.

<sup>305</sup> *Laws of Iowa, 1846-1847*, p. 33.

<sup>306</sup> See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>307</sup> *Laws of Iowa, 1852-1853*, p. 40.

wherein the boundaries of Warren County were redefined in such a way as to restore to that jurisdiction the four townships in question. In making the restitution, however, that part of township 77 north, range 22 west, which lay north of the Des Moines River was reserved to Polk. The boundaries received by Warren County through the act of January 14, 1853, have not been altered since.

The territory of Warren County was acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. (See Map I.) The northern tier of townships came within the limits of the original County of Keokuk established in 1837 and reduced in size in 1843. (See Map II.) These same townships, as we have already seen, belonged to Polk County from 1846 to 1853.

*Washington.*—Washington County was originally created as Slaughter<sup>308</sup> County by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838.<sup>309</sup> This act was one redefining the boundary lines of those counties carved by the law of December 7, 1836, from the original County of Demoine. The two laws differed in that the earlier one included a county called Cook, which was omitted from the later act, while the latter included a county called Slaughter not mentioned in the former.

Slaughter County is not to be considered as a continuation of Cook County.<sup>310</sup> None of its territory came from the latter. Most of it, in fact, was received from the original counties of Louisa and Musquitine.<sup>311</sup> Possibly the southwest corner had been within the limits of the original County of Henry. It is certain that the northwest corner

<sup>308</sup> See Map V in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>309</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

<sup>310</sup> See below p. 117.

<sup>311</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

was new territory. All except this part had been within the limits of the original County of Demoiné at an earlier date.

As first established Slaughter County included townships 74, 75, and 76 north of ranges 5, 6, 7, and 8, west. The three easternmost townships, those in range five, are now part of Louisa County. The remaining nine townships are part of Washington County today.<sup>312</sup>

The original County of Slaughter was reduced in size by an act of the legislature of the Territory of Iowa approved on January 12, 1839.<sup>313</sup> This act, the title of which referred only to Louisa County, redefined the boundaries of that county in such a way as to include within them the three easternmost townships of Slaughter County, although the latter was not mentioned in the act. This loss of territory left Slaughter County only three townships, or eighteen miles, square in size—the smallest county ever included within the limits of Iowa. In this reduced form it remained in existence only thirteen days, for on January 25, 1839, there was approved an act<sup>314</sup> of the legislature of the Territory of Iowa which changed the name of Slaughter County to Washington and then enlarged the latter by extending its limits one township farther north and one range farther west. By these changes the county gained seven townships and received practically its present territory.

One more change had to be made, however, before the boundaries of Washington County were to become permanent. This change was made by an act of the legislature of the Territory of Iowa approved on June 5, 1845,<sup>315</sup> by

<sup>312</sup> See Map VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>313</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 89.

<sup>314</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 100.

<sup>315</sup> *Laws of the Territory of Iowa, 1845*, p. 66.



the terms of which the Iowa River was made the boundary line between the two counties for some six or eight miles. Washington County lost to Johnson that part of township seventy-seven north, range six west, which lay east of the Iowa River. Since 1845 the boundaries of Washington County have not been altered.

The territory included within the present limits of Washington County was acquired from the Indians in three separate treaties. All of it was ceded by the Sac and Fox Indians. Nearly half of the county (the southeastern portion) belonged to the Black Hawk Purchase of September 21, 1832. The northeastern corner was part of the Keokuk Reserve ceded to the United States government September 28, 1836. The western and northwestern portions were acquired by treaty of October 21, 1837. (See Map I.)

The eastern portion of the county also belonged, for a time, to the original County of Des Moines. (See Map II.) Certain portions were included a little later within the limits of Cook, Musquitine, Louisa, and Henry counties as established by the act of January 18, 1838.<sup>316</sup>

*Wayne.*—Wayne County was created by an act of the legislature of the Territory of Iowa approved on January 13, 1846.<sup>317</sup> The boundaries received at this time have never been altered.

The territory of Wayne County was entirely within the limits of that cession of land made to the United States government by the Sac and Fox Indians in the treaty of October 11, 1842. It probably lay entirely west of the line by which the cession was divided into two parts. (See Map I.)

<sup>316</sup> See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>317</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

*Webster.*—Webster County did not receive its present boundaries until 1857 or possibly not until 1860. The county was not created by the important act of January 15, 1851, by which most of the counties of northwestern Iowa were established. This act created on the present site of Webster the County of Yell. Just north of Yell was Humbolt (not the present County of Humboldt) which included the northern tier of townships in the present County of Webster. Fox County was located west of Yell and Risley east.<sup>318</sup> North of Humbolt was Kossuth, then only four townships square, and north of Kossuth there was established the County of Bancroft, equal in size to Emmet and Winnebago. The counties just mentioned were destined to undergo a large number of boundary changes before the present conditions were established.

On January 12, 1853, there was approved an act,<sup>319</sup> relative to the attachment and organization of counties, the fourth section of which changed the name of Risley County to Webster. The act provided that it should take effect upon publication in the *Capital Reporter* and in the *Iowa Republican*. A certificate signed by the Secretary of State accompanies the law to the effect that it was published in the *Capital Reporter* on January 19, 1853, and in the *Iowa Republican* on January 22, 1853. It went into effect, therefore, on the latter date. It should be remembered at this point that the County of Risley had been just south of Wright and that it was coextensive in size and location with the present County of Hamilton.

On the same day upon which the act changing the name of Risley County to Webster went into force another act bearing the title of "An Act to create the county of Web-

<sup>318</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>319</sup> *Laws of Iowa, 1852-1853*, p. 28.

ster'' was approved.<sup>320</sup> This law, which was very brief, provided for the union of Yell and Risley counties into a new county to be called Webster. The act was to go into force upon publication in the *Iowa Star*. No accompanying word from the Secretary of State tells when the act was so published. A diligent search through the files of the *Iowa Star* fails to reveal the date of publication. The writer is practically certain that the law was not printed in that paper at all. In default of such publication the act must have gone into force upon the first of July following.<sup>321</sup> From this it is evident that the act of January 12 went into force before the act of January 22 did. It follows, then, that when the latter act went into force there was no Risley County to be united to Yell in creating a new county to be called Webster, indeed, there was a County of Webster already in existence. It is difficult to say just what is the solution of this puzzle. It seems that certain legislators wished to get rid of the names Risley and Yell, and that they wanted to honor Webster by naming a county for him, but that they could not get together in the matter of their bills. In spite of the fact that the law changing the name of Risley County to Webster went into effect before the law providing for the union of Risley and Yell could possibly have done so, later sessions of the legislature looked upon Webster County as the product of the second law, and, therefore, containing the territory of both the former counties of Risley and Yell.<sup>322</sup>

This large county was increased in size by an act approved on January 24, 1855, by the terms of which the counties of Bancroft and Humbolt were blotted out.<sup>323</sup> The ter-

<sup>320</sup> *Laws of Iowa*, 1852-1853, p. 87.

<sup>321</sup> *Code of Iowa*, 1851, Chapter 3, section 22.

<sup>322</sup> See Map XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>323</sup> *Laws of Iowa*, 1854-1855, p. 210.

ritory of Bancroft was given to Kossuth County while that of Humboldt was divided evenly between Kossuth and Webster counties, the latter gaining eight square townships by the transfer.<sup>324</sup> This law proves that the legislature looked upon Webster County as formed by the union of the former counties of Yell and Risley, because that part of Humboldt County which was now added to Webster was contiguous to that part of Webster which had formerly been within the limits of Yell. Had Webster County been looked upon simply as Risley with the name changed then the act of January 24, 1855, could not have added to Webster half of the territory of Humbolt.

By an act approved on December 22, 1856,<sup>325</sup> that part of Webster County which lay east of the line dividing ranges twenty-six and twenty-seven west, was erected into a new county to be called Hamilton.<sup>326</sup> By this act Webster County lost two-fifths of its territory, but it was soon to lose more, for about a month later, by an act approved on January 28, 1857,<sup>327</sup> during the same session, the legislature created the new County of Humboldt between Wright and Pocahontas. The new jurisdiction contained only twelve square townships, eight of which it received from Kossuth County and four from Webster. By this law Webster County was reduced to the size which it possesses today. The new County of Humboldt was four square townships smaller than Wright and Pocahontas. It was also smaller than its predecessor Humbolt established in 1851 upon the same site. This was probably a mistake. At any rate at the next session the legislature passed an act, approved on March

<sup>324</sup> See Map XIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>325</sup> *Laws of Iowa*, 1856-1857, p. 11.

<sup>326</sup> See Map XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>327</sup> *Laws of Iowa*, 1856-1857, p. 199.



11, 1858,<sup>328</sup> which was meant to be explanatory of the act of January 28, 1857. The new law after claiming that Humboldt County had suffered a loss of territory through the printing of the act by which it was established, and also that the original of the bill had been lost, proceeded to construe the act of January 28, 1857, in such a way as to make Humboldt County include township 90, ranges 27, 28, 29, and 30 west. Furthermore, the act defined the boundaries of the county anew in such a way as clearly to include the territory in dispute.<sup>329</sup> This amendatory law was not submitted to the people for ratification as the Constitution of Iowa<sup>330</sup> which went into force on September 3, 1857, had required of all future laws which might have for their purpose the alteration of county boundaries. Consequently when a case calling in question the legality of the act of March 11, 1858, was appealed from the District Court of Webster County to the Supreme Court of Iowa, the latter, in a decision handed down on December 4, 1860, declared the statute null and void.<sup>331</sup> The court held that the act did not relate back to the statute of which it claimed to be amendatory, and that as an independent act it was invalid because it had never been submitted to the people of the counties concerned for ratification. As a result of this decision Webster County regained the four townships, which technically it had never lost, and its boundaries became permanent, that is, they have not since been altered.

In addition to the above it should be noted that the southern tier of townships in the present county came within the limits of the original County of Benton from 1837 to 1843,

<sup>328</sup> *Laws of Iowa*, 1858, p. 49.

<sup>329</sup> See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>330</sup> See Article III, section 30.

<sup>331</sup> *Duncombe vs. Prindle*, 12 Iowa 1.

the remainder of the county falling, during the same period, within the jurisdiction of the original County of Buchanan. (See Map II.)

The territory of Webster represents three Indian land cessions. The northwestern corner of the county was ceded on July 15, 1830, upon which date all those tribes<sup>332</sup> having any claim to the soil of western Iowa relinquished the same to the United States. The northeastern portion of the county was acquired from the Sacs and Foxes by the terms of a treaty signed on the same date. This cession formed part of the so-called "Neutral Ground". The bulk of the soil of Webster County was acquired from the Sacs and Foxes by the cession of October 11, 1842. (See Map I.)

*Winnebago.*—Winnebago County was created by an act approved on January 15, 1851.<sup>333</sup> Its boundaries have never been changed. As established, the county contained only 408 square miles and was, therefore, unconstitutional since the Constitution of 1846<sup>334</sup> forbade the erection of new counties with areas of less than 432 square miles. Worth, Bancroft, Emmet, Dickinson, and Osceola counties created by the same act, and of the same size, possessed a similar status. However, none of these counties had been organized when the new State Constitution of 1857 went into force. This document repeated the provision of the Constitution of 1846 which forbade the erection of new counties, or the organization of old ones, with an area of less than 432 square miles. At the same time it made an exception in favor of the organization of Winnebago and the other counties mentioned above, whose area according to the act creating them was less than required

<sup>332</sup> See below p. 114.

<sup>333</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>334</sup> See Article XI, section 2, of Constitution of 1846.

by the Constitution.<sup>335</sup> In this way both the organization and the existence of Winnebago County were made legal.

The territory of the county was ceded to the United States by the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux according to the terms of two treaties signed July 23 and August 5, 1851. (See Map I.) Thus it is seen that the soil of Winnebago, on the date of the erection of the county, had not yet been acquired from its Indian owners. During the ten years from 1837 to 1847 the area of Winnebago was included within the limits of the original and temporary County of Fayette. (See Map II.)

*Winneshiek*.—This county was carved from the original County of Fayette (See Map II.) by an act<sup>336</sup> of the first General Assembly of the State of Iowa. Its boundaries as defined in this law have never been altered. The territory included within the new county had been so recently acquired from the Indians<sup>337</sup> that it had not yet been surveyed by the United States government. The treaty of cession had not yet been ratified by the United States Senate or the Indians removed from the land.<sup>338</sup> Because of these facts the county commissioners of Clayton County were authorized in the act to have the boundaries of the new county surveyed and marked off, the boundaries so established to be recognized until the government survey should have been completed. Clayton County was to be reimbursed by Winneshiek for the expense incurred.

The territory of Winneshiek County represents several Indian land cessions. The southeastern portion was ac-

<sup>335</sup> See Article XI, section 2, of Constitution of 1857.

<sup>336</sup> Approved on February 20, 1847. See *Laws of Iowa*, 1846-1847, p. 81.

<sup>337</sup> By treaty of October 13, 1846.

<sup>338</sup> See section 3 of the act.

quired from the Sacs and Foxes by the treaty of July 15, 1830. (See Map I.) The remainder of the county, except the northwest corner, was acquired from various tribes of the Sioux by a treaty of the same date. These two cessions constituted the so-called "Neutral Strip" or "Ground" of which most of Winneshiek County formed a part. The eastern part of the "Neutral Strip" was given as a reservation by the United States government to the Winnebagoes on September 15, 1832. It was ceded back to the government by the same Indians in a treaty signed on October 13, 1846. The county of Winneshiek, with the exception of a small area in the northwest, formed a part both of the reservation of 1832 and of the cession of 1846. The northwest corner of the county was not ceded until 1851 when it was acquired from the four bands of Santee Sioux by a treaty dated July 23rd and August 5th. (See Map I.)

*Woodbury.*—Woodbury County was created under the name of Waukwa by an act of the State legislature of Iowa approved on January 15, 1851.<sup>339</sup> Its boundaries as defined in this act were described as follows: "Beginning at the north-west corner of township 89 north of range 41 west; thence west to the middle of the main channel of the big Sioux river; thence down in the middle of the main channel of the said big Sioux river to the middle of the main channel of the Missouri river; thence down the middle of the main channel of the Missouri river to the intersection of township line between townships 85 and 86; thence east on the line between townships 85 and 86 to the southwest corner of township 81 north, range 41 west; thence north on the line dividing ranges 41 and 42 to the place of beginning." These boundaries are quoted because they contain an error in connection with the location

<sup>339</sup> *Laws of Iowa, 1850-1851*, p. 27.



of the southeastern corner of the county. Where the act seeks to have the southern boundary of the county run "east on the line between townships 85 and 86 to the southwest corner of township 81 north, range 41 west" it attempts the impossible. The line should have run, of course, to the southwest corner of township 86, range 41 west. "The south-west corner of township 81 north, range 41 west," is in the northeastern part of Harrison County.

As defined above it is impossible to draw the boundaries of the county on a map. Surrounding counties, however, gave to Wahkaw its shape on the map of Iowa.<sup>340</sup> The name of the county was changed to Woodbury by an act approved on January 12, 1853,<sup>341</sup> but its boundaries have never been corrected and remain defective today.<sup>342</sup>

The soil of Woodbury County was acquired from the Indians through the treaty of July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux ceded to the United States all their claims to western Iowa. (See Map I.) The southernmost tier of townships of Woodbury County was within the limits of the original County of Benton from 1837 to 1843. During the same period the territory comprising the remainder of Woodbury belonged to the original County of Buchanan. (See Map II.) The soil of Woodbury County never came within the limits of the temporary County of Pottawatamie.

*Worth.*—Created by the act of January 15, 1851,<sup>343</sup>

<sup>340</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>341</sup> *Laws of Iowa*, 1852-1853, p. 28.

<sup>342</sup> See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>343</sup> *Laws of Iowa*, 1850-1851, p. 27.

Worth County was at first an illegal jurisdiction because it contained only 408 square miles of territory while the State Constitution required a minimum area of 432 square miles.<sup>344</sup> The counties of Winnebago, Bancroft, Emmet, Dickinson, and Osceola, created by the same act were also undersized. None of them were organized before 1857, in which year the new Constitution of Iowa went into effect. This document not only forbade the establishment of any new county, but even the organization of any old one, with an area of less than 432 square miles.<sup>345</sup> At the same time the Constitution made an exception in favor of the organization of Worth and the other counties west of it in the same tier, the areas of which, according to the act of 1851, were less than 432 square miles each. In this way the county of Worth was given a legal status. Otherwise its boundaries have never been altered since it was first established.

The territory of Worth County was ceded to the United States by the Medewakanton, Wapekuta, Wahpeton, and Sisseton bands of the Santee Sioux in two treaties dated respectively on July 23 and August 5, 1851. (See Map I.) It was also included from 1837 to 1847 within the limits of the original County of Fayette. (See Map II.)

*Wright.*—The boundaries of Wright County were defined and the county created by the important act of January 15, 1851.<sup>346</sup> Its boundaries have never been altered.

The territory of Wright County represents two Indian land cessions both of which were made by treaties dated July 15, 1830. The southern part of the county was ceded by the Sacs and Foxes; the northern part by the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux. (See Map I.) These two cessions comprised

<sup>344</sup> See Article XI, section 2, of the Constitution of Iowa, 1846.

<sup>345</sup> See Article XI, section 2, of the Constitution of Iowa, 1857.

<sup>346</sup> *Laws of Iowa*, 1850-1851, p. 27.

the well-known district called the "Neutral Ground". The southern tier of townships of Wright County came within the limits of the original County of Buchanan from 1837 to 1843. The remainder formed a part of the original County of Fayette created in 1837 and in existence until 1847. (See Map II.)

## II. COUNTIES BLOTTED OUT

In addition to the ninety-nine counties to be found in Iowa today, there are several others which need to be discussed in order to make our treatment of the boundary history of Iowa counties complete. A group of six counties formerly in existence have long since been blotted out. Seven existing counties were created in temporary form and fall into a class by themselves. Three others were proposed by the legislature but never really came into existence.

In the following group are discussed those counties which have been blotted out.

*Bancroft.*—The County of Bancroft was established by the act of January 15, 1851.<sup>347</sup> It was located between Emmet and Winnebago counties, comprising the northern part of the present County of Kossuth.<sup>348</sup> In size it contained only 408 square miles and was, therefore, like several other counties in the same tier, an illegal jurisdiction since the Constitution then in force forbade the erection of any new county with an area of less than 432 square miles.<sup>349</sup>

On January 24, 1855, there was approved a law entitled "An Act to extend the boundaries of Kossuth county, and to locate the Seat of Justice thereof".<sup>350</sup> The effect of this

<sup>347</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>348</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>349</sup> See Article XI, section 2, of the Constitution of Iowa, 1846.

<sup>350</sup> *Laws of Iowa*, 1854-1855, p. 210.

law was to blot out the two counties of Bancroft and Humbolt. The territory of the former was given to Kossuth County. Thus the county of Bancroft perished after a brief existence of four years during which time it possessed an illegal status. The county was never organized. In 1870 the same territory was erected into a new county called Crocker which continued in existence only a year and a half.<sup>351</sup>

*Cook.*—This is the name of a former Iowa county no longer in existence. It was established by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836,<sup>352</sup> by the terms of which the original County of Demoiné, enlarged by the addition of Keokuk's Reserve, was divided into seven new counties, of which Cook was one. The boundaries of these new counties were described in peculiar language for reasons explained elsewhere.<sup>353</sup> The limits of Cook County were defined in section seven of the act as follows: "beginning on the Mississippi River, at the north-east corner of the county of Musquitine; thence up said river to the south-east corner of the county of Du Buque; thence with the line of the said county of Du Buque to the Indian boundary line; thence with said line south, to the north-west corner of the county of Musquitine; thence east with the said line of the said county of Musquitine to the beginning".

The county herein described turned out to be one of the most peculiar ever established in Iowa. Although fifty miles in length it was less than five miles in width.<sup>354</sup> No doubt the framers of the law were mistaken in distances.

<sup>351</sup> See Crocker County below.

<sup>352</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

<sup>353</sup> See above p. 70.

<sup>354</sup> See Map II in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.



Surely they thought it must be farther from the northeast corner of Musquitine to the southeast corner of Dubuque County than it really was, yet there is no doubt that the dimensions given above are substantially correct.<sup>355</sup>

A map in the manuscript department of the Library of the State Historical Society of Wisconsin<sup>356</sup> gives to Cook County a triangular shape by extending the northern boundary of the county northwestward from Rock Island to the angle in the western boundary of Dubuque County. This is easily shown to be an error. The northern boundary of Cook County is made by the words of the act just quoted to coincide with the southern boundary of Dubuque County, which, in turn, had been defined in the act of September 6, 1834<sup>357</sup> as a line running directly west from Rock Island in the Mississippi River. The northern line of Cook County could not, therefore, run northwestward.

On December 21, 1837, an act of the legislature of the Territory of Wisconsin subdividing the original County of Dubuque into smaller counties was approved.<sup>358</sup> By the terms of this act the new counties of Johnson and Scott were allowed to overlap the territories of Cook County.<sup>359</sup> A later law, of course, supersedes an earlier one dealing with the same matters, hence these transfers of territory from Cook County to Johnson and Scott must be looked upon as legal, although they may be called indirect, since Cook County was not named in the act. One cannot tell from the mere reading of the act that Cook County lost any

<sup>355</sup> Compare Hull's *Historical and Comparative Census of Iowa*, 1836-1880, p. 391.

<sup>356</sup> For a fuller description of this map see the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 386, note 36.

<sup>357</sup> *Laws of the Territory of Michigan*, Vol. III, p. 1326.

<sup>358</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

<sup>359</sup> See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

territory at all. This fact appears only when the attempt is made to trace the boundaries of the newly created counties on a map. The territory which Cook County lost to Scott lay east of the range line dividing ranges one and two, east, while that lost to Johnson County lay west of the line dividing ranges four and five, west.

After these two losses of territory Cook County continued in existence less than a month. On January 18, 1838, there was approved an act <sup>360</sup> of the legislature of the Territory of Wisconsin which defined anew, this time in terms of the United States Survey, the boundaries of the counties carved from the original County of Des Moines by the act of December 7, 1836. By the terms of this act of 1838, Cook County in its mutilated form was blotted out, its remaining territories all going to the new County of Muscatine. It is incorrect to say, as some have said, <sup>361</sup> that Cook County was blotted out by the act of December 21, 1837. That act merely diminished its size.

The act of January 18, 1838, created a new county called Slaughter. This must not be looked upon as Cook County renamed since it contained no part whatever of the territory of Cook. It is not accurate to say, either, that Cook County afterward became Scott County, <sup>362</sup> because the two counties existed side by side for a month, while five-sixths of the territory of Cook was given, by the acts which blotted it off the map, not to Scott County, but to Muscatine and Johnson counties.

Cook County, as originally created, was carved almost entirely from the Black Hawk Purchase of September 21, 1832, its western end coming within the limits of the Keo-

<sup>360</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

<sup>361</sup> Hull's *Historical and Comparative Census of Iowa, 1836-1880*, p. 391, and Gue's *History of Iowa*, Vol. III, p. 335.

<sup>362</sup> Gue's *History of Iowa*, Vol. I, p. 175 note.

kuk Reserve, ceded on September 28, 1836. As mentioned above, Cook County comprised part of the territory of the original County of Demoine.

*Crocker.*—The now extinct County of Crocker was erected in the northern part of the present County of Kossuth<sup>363</sup> by an act approved on May 13, 1870.<sup>364</sup> Its territory was coextensive with that of the earlier County of Banercroft.<sup>365</sup> The organic act provided for the first election, which was held on August 10, 1870. At this time county officers were chosen and the county duly organized. The town of Greenwood was selected as the county-seat. But the new jurisdiction was not to be long-lived. The Constitution of 1857 required that every new county should have an area of at least 432 square miles,<sup>366</sup> while that of Crocker County was only 408. The county was clearly illegal. The matter was not long getting into the courts. Soon a case was appealed from the court of a Justice of the Peace in Crocker County to the Circuit Court of Emmet County, whence in turn it was appealed to the Supreme Court of Iowa. The constitutionality of the act creating Crocker County was involved. The Supreme Court, reversing the decision of the lower court, handed down its decision on December 11, 1871, to the effect that the law was invalid.<sup>367</sup> Crocker County, after a brief career of eighteen months, ceased to exist, its territory reverting to Kossuth County.

*Humboldt.*—This county is not to be confused with the present County of Humboldt.<sup>368</sup> The two names do not re-

<sup>363</sup> See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>364</sup> *Laws of Iowa*, 1870, p. 239.

<sup>365</sup> See Banercroft County above.

<sup>366</sup> See Article XI, section 2, of the Constitution.

<sup>367</sup> *Garfield vs. Brayton*, 33 Iowa 16.

<sup>368</sup> See Humboldt County above.

fer to the same county. Neither was Humboldt the successor of Humbolt in the same sense in which Muscatine was the successor of Musquitine, or Des Moines a continuation of Demoine. A period of two years separates Humboldt County from Humbolt and they must therefore be considered as two distinct counties.

Humbolt County, the earlier of the two, was established by the important act of the State legislature approved on January 15, 1851.<sup>369</sup> It was four townships square in size and contained 576 square miles. Located just south of Kosuth County, it included the territory of the present County of Humboldt as well as the northern tier of townships belonging to the present County of Webster.<sup>370</sup> Humbolt County continued on the map for four years, (longer than any other county now extinct except Bancroft which had exactly the same lease of life.) Both were blotted out by an act approved on January 24, 1855.<sup>371</sup> By this law the northern half of the territory of Humbolt was given to Kosuth County; the southern half to Webster.<sup>372</sup>

*Risley.*—Risley County was established by an act of the legislature of the State of Iowa approved on January 15, 1851.<sup>373</sup> The new county contained 576 square miles, being four townships square. It was located just south of Wright County<sup>374</sup> and comprised the territory of the present County of Hamilton.

The name of Risley was changed to Webster by an act

<sup>369</sup> *Laws of Iowa*, 1851, p. 27.

<sup>370</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>371</sup> *Laws of Iowa*, 1854-1855, p. 210.

<sup>372</sup> See Map XIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>373</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>374</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.



approved on January 12, 1853,<sup>375</sup> and which went into force on January 22, 1853. On the latter date there was also approved a law entitled "An Act to create the county of Webster".<sup>376</sup> This was to be done by uniting the counties of Yell and Risley. The act of January 22 was to go into effect upon publication in the *Iowa Star*. The writer has carefully gone through the files of this paper but has failed to find the act published there at all. It must have gone into effect, therefore, on the first of the following July,<sup>377</sup> upon which date there was no Risley County in existence to be united with Yell. These facts would seem practically to nullify the act. The intention of the Fourth General Assembly which passed both of these acts probably was to have the second act supersede the first, and in reality to give to the new County of Webster the territories of both Yell and Risley. Later sessions of the legislature gave this interpretation to the matter in spite of the difficulties in the way of doing it pointed out above.

Even though the territory of Risley County was joined to that of Yell by the act of January 22, we cannot get around the fact that the name of Risley was changed to Webster by the act of January 12 (which went into force on January 22). It may be said, therefore, that the County of Risley was in existence almost exactly two years.<sup>378</sup>

*Yell.*—The boundary history of Yell County has been covered practically by the discussion just given of Risley County. Created by the same act of January 15, 1851,<sup>379</sup> Yell County was located just west of Risley and south of

<sup>375</sup> *Laws of Iowa*, 1852-1853, p. 28.

<sup>376</sup> *Laws of Iowa*, 1852-1853, p. 87.

<sup>377</sup> *Code of Iowa*, 1851, Chapter 3, section 22.

<sup>378</sup> See also the discussion of Webster County above.

<sup>379</sup> *Laws of Iowa*, 1850-1851, p. 27.

Kossuth.<sup>380</sup> It was four townships square and contained 576 square miles. It comprised all of the present County of Webster except its northern tier of townships.

Yell County was blotted out by an act approved on January 22, 1853,<sup>381</sup> which probably went into force on the first of the following July. This act united Yell to Risley in creating the new County of Webster. Certain problems raised by this law have been discussed above.<sup>382</sup> Facts just given show that the now extinct County of Yell was in existence practically two years and a half.

### III. TEMPORARY COUNTIES

Seven of the ninety-nine counties of Iowa were of extraordinary size when first created. All of them had peculiar characteristics. Most of them included territory to which the Indian title had not yet been extinguished. In four cases no attempt at organization was made in the counties as first established. In every case the counties were soon reduced in size, that is to say, were divided up into new counties to one of which the old name was given. In no case was the continuity of the existence of a county broken. For these reasons it seems fitting to denominate these counties — temporary counties, the name being applied to the seven counties which follow while they were of unusual size and possessed a peculiar character. (See Map II.)

*Benton.*—The temporary County of Benton was erected by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837. It extended from the County of Linn westward to the Missouri. (See Map II.) It included all of the territory of nine present day counties,

<sup>380</sup> See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>381</sup> *Laws of Iowa*, 1852-1853, p. 87.

<sup>382</sup> See the discussions of Risley and Webster counties above.

together with part of that of eight others. Practically all of its soil was still owned by the Indians.

The temporary County of Benton ceased to exist with the passage of an act of the legislature of the Territory of Iowa approved on February 17, 1843. By this law the present counties of Benton and Tama were carved out of the temporary County of Benton. Nothing was said about the remainder of its territories. As a temporary county Benton had an existence of a little over five years.<sup>383</sup>

*Buchanan.*—Buchanan County, as a temporary jurisdiction, was also created by the act of December 21, 1837. Located just north of Benton County, it reached from the western boundary of Delaware to the Missouri River, including within its limits all of two and parts of fifteen other present day counties, as well as a small area in South Dakota. (See Map II.)

The temporary County of Buchanan was reduced in size by the act of February 17, 1843, by the terms of which, indirectly at least, the present county of that name, together with Black Hawk, was carved from its territory. Nothing more is heard of the temporary county most of which reverted to the Indians. The life of the temporary County of Buchanan was of the same length as that of Benton.<sup>384</sup>

*Des Moines.*—The temporary County of Des Moines was one of the first two counties established in Iowa. It was erected by an act of the Legislative Council of the Territory of Michigan approved on September 6, 1834. It comprised, or was meant to comprise, that part of the Black Hawk Purchase located south of the parallel of Rock Island. (See Map II.) Keokuk's Reservation may be considered as having been added to Des Moines County upon its cession by

<sup>383</sup> For a fuller account see Benton County above.

<sup>384</sup> For a fuller account see Buchanan County above.

treaty of September 28, 1836. Thus enlarged, the county included all of four, and portions of seven other counties, now existing in Iowa. The life of Demoine County as a temporary jurisdiction ceased with the passage of the act of December 7, 1836. Its career was brief, scarcely over two years. The reduced county was given the name Des Moines.<sup>385</sup>

*Dubuque.*—As an over-large and, therefore, temporary jurisdiction, Dubuque<sup>386</sup> County was established during the period of the Territory of Michigan by the act of September 6, 1834, the same act by which the temporary County of Demoine was erected. It comprised that part of the Black Hawk Purchase lying north of the parallel of Rock Island, which made it about twice the size of Demoine County. Fourteen of the present counties of Iowa were included in whole, or in part, within its borders — seven of them entirely so. (See Map II.)

The temporary County of Dubuque was blotted out by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837. Its term of existence had covered three and one-fourth years.<sup>387</sup>

*Fayette.*—The temporary County of Fayette was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837. This was the largest of all the temporary counties of Iowa, indeed, it was not limited to the one State but included a large portion of Minnesota and of the two Dakotas.<sup>388</sup> Its area has been estimated at upwards of 140,000 square miles,<sup>389</sup> only a

<sup>385</sup> For a fuller account see Des Moines County, above.

<sup>386</sup> Writers frequently spell the name of the temporary county "Du Buque." It was not so spelled in the act creating the county.

<sup>387</sup> For a fuller account see Dubuque County above.

<sup>388</sup> See Map IV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>389</sup> Gue's *History of Iowa*, Vol. III, p. 344.



small part of which had been acquired, as yet, from the Indians. The territory of thirty present day counties was included in whole or in part within its borders. (See Map II.)

The largest of the temporary counties of Iowa also had the longest period of existence. It had endured ten years when, by the act of February 5, 1847, it may be said to have been discontinued. By this act their present dimensions were given to Fayette and Clayton counties, the latter receiving a small area from the temporary County of Fayette. Fifteen days later another act was approved carving the new counties of Winneshiek and Allamakee out of the territory of the original County of Fayette. Nothing more is heard of the temporary county after the County of Fayette was given its present boundaries.<sup>390</sup>

*Keokuk.*—The County of Keokuk was established as a temporary jurisdiction by the act of December 21, 1837, at the same time that the temporary counties of Benton, Buchanan, and Fayette were created. It extended from the western border of Johnson County to the Missouri River, and included within its boundaries all of nine and parts of nine other present day counties of Iowa. Most of its soil was still Indian territory. (See Map II.)

The temporary County of Keokuk ceased to exist with the passage of the act of February 17, 1843. This law carved from its territory the present counties of Iowa and Poweshiek, and gave portions of it also to the counties of Mahaska and Keokuk. The County of Washington had received one square township from the original County of Keokuk by the act of January 25, 1839. The temporary County of Keokuk was in existence a little over five years.<sup>391</sup>

<sup>390</sup> For a fuller account see Fayette County above.

<sup>391</sup> For a fuller account see Keokuk County above.

*Pottawattamie*.—The temporary County of Pottawattamie<sup>392</sup> was erected in the southwestern part of the State by the act of February 27, 1847. Its territory was coextensive with that of the Pottawattamie reservation of September 26, 1833, and the Pottawattamie cession of June 5 and 17, 1846. It contained 5,000,000 acres, comprising all or part of the area of fifteen counties of today. (See Map II.)

The original County of Pottawattamie continued in existence scarcely four years when by the act of January 15, 1851, it was reduced in size, all of its extra territory going to form numerous new counties named in that act.<sup>393</sup>

#### IV. PROPOSED COUNTIES

In the history of the formation of Iowa counties there are three which fall into a class by themselves, in that they were only proposed by the legislature and never really established. The legislature did its part in each case, but the people, when called upon to respond, voted down each proposition.

Some might place the County of Crocker in this same group, but the writer has chosen rather to consider it as having been actually established before being blotted out by the Supreme Court. Its establishment had progressed beyond the stage of organization, while the very existence of the counties named below depended upon a favorable vote of the people which was not secured.

*Belknap*.—The Fifteenth General Assembly by an elaborate act approved on March 10, 1874, made an attempt to establish a new county to be called Belknap in the eastern part of Pottawattamie. The line separating ranges 41 and 42 west, was to divide the two counties. If one were to extend the line which separates Harrison from Shelby County

<sup>392</sup> The name is so spelled in the organic act.

<sup>393</sup> For a fuller account see Pottawattamie County above.

southward across Pottawattamie it would indicate the line of division between the proposed counties of Belknap and Pottawattamie.<sup>394</sup> This arrangement gave the former county 432 square miles and the latter 444, in either case the constitutional requirement as to size being fulfilled.

But the Constitution of 1857 contains a second requirement relative to county boundaries, namely, the provision that any statute, which has for its purpose the alteration of the boundaries of any county, must be submitted to the voters of the counties concerned, at some general election, and be ratified by a majority of those voting before the same can become a law.<sup>395</sup> In obedience to this provision of the Constitution, the act of March 10, 1874, was submitted to the people of Pottawattamie County for their decision. At the general election held on October 13, 1874, the proposition was rejected by a vote of 1250 for and 1558, or a majority of 308, against.<sup>396</sup> The proposed County of Belknap was therefore never established.

*Grimes.*—The story of the proposed County of Grimes is very similar to that of Belknap. The General Assembly seems not to have been satisfied by the rejection of its proposition to establish the latter county and, on March 17, 1876, submitted what was practically the same law again to the voters of Pottawattamie County. This time, however, the new county was to be called Grimes. Its size and location were identical with those of the proposed County of Belknap. Again the question was submitted to the voters of Pottawattamie County and again at the general election of November 7, 1876, the proposition was voted down, 1848 votes being recorded for and 2651 against it.<sup>396</sup>

<sup>394</sup> See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

<sup>395</sup> Article III, section 30, of the Constitution of Iowa.

<sup>396</sup> The writer is indebted for these facts to Mr. W. C. Cheyne, Auditor of Pottawattamie County.

*Madison.*—In 1844 by an act<sup>397</sup> approved on February 15 of that year the legislature of the Territory of Iowa made an attempt to create out of the southern portion of Lee County a new county to be called Madison, the boundaries of which were to coincide with those of the old Half-breed Tract. All of the boundaries of this tract were described in detail in section one of the law except the northern boundary which was mentioned as commonly known but was not defined. The tract in question had been reserved for the use of the half-breeds of the Sac and Fox nation by the treaty of August 4, 1824, in which document the northern boundary of the tract was practically described as being the northern boundary of Missouri extended eastward to its intersection with the Mississippi River.<sup>398</sup>

The area of Lee County is 490 square miles. Such a division as indicated above, or indeed any division of Lee, would have produced two counties smaller than any now to be found in Iowa. The act proposing the new county made provision (not, however, because of any constitutional requirement) for the submission of the question of dividing Lee County to the voters of the same at the election to be held in April, 1844. At this election the proposition was voted down and the proposed county was never established. Two years later the name Madison was given to a new county established in the south central part of the State.

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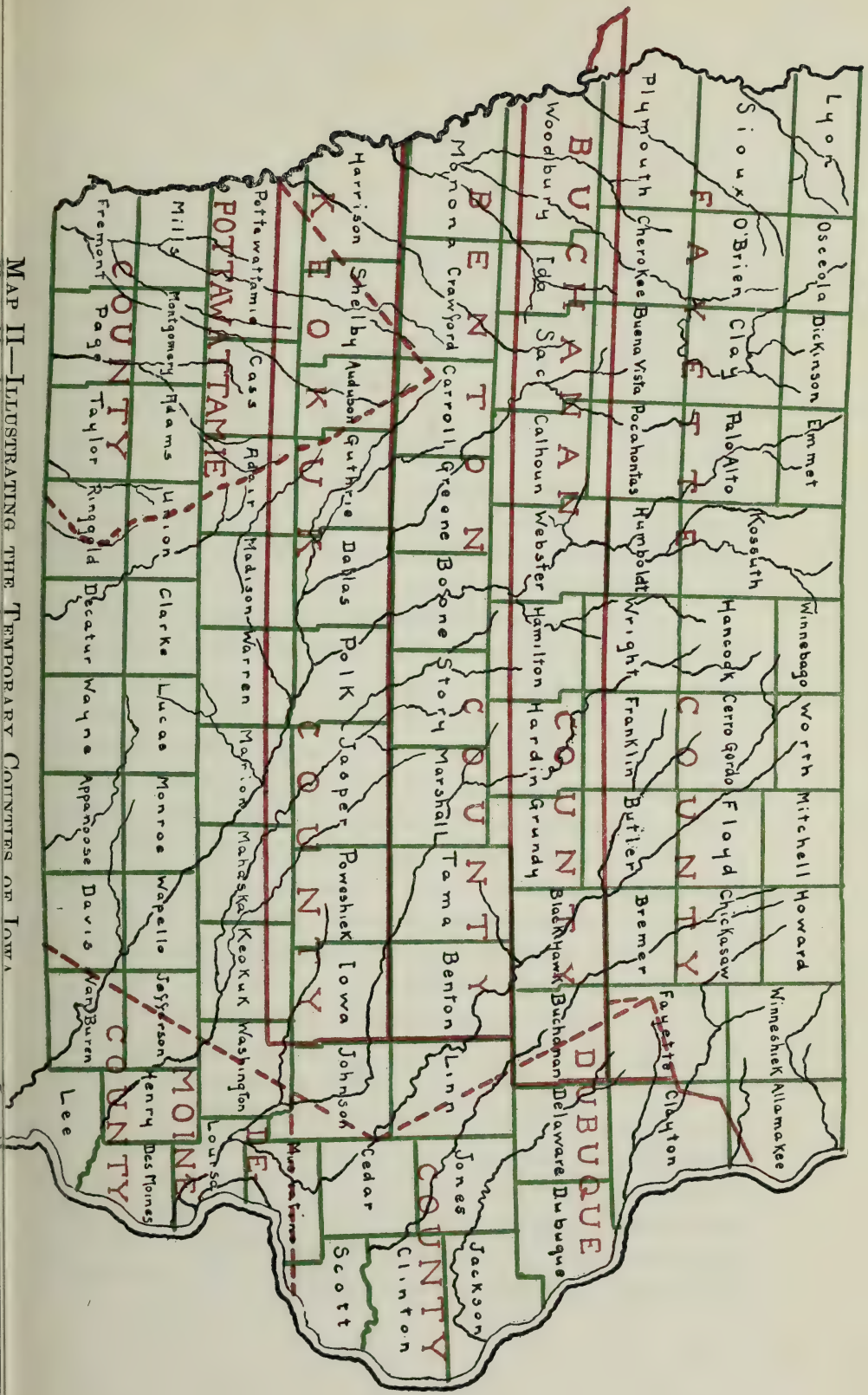
<sup>397</sup> *Laws of the Territory of Iowa, 1843-1844*, p. 142.

<sup>398</sup> *U. S. Statutes at Large*, Vol. VII, p. 229.





MAP II—ILLUSTRATING THE TEMPORARY COUNTIES OF IOWA



## THE LEGISLATIVE REFERENCE MOVEMENT

During the past decade two pronounced movements have characterized American Democracy. In the first place, there has been a determined effort to bring government and administration nearer to the people. This is true at least of the forms if not of the substance of our political institutions. The most conspicuous result of this movement has been the provisions for nominations by direct primaries, while the initiative and referendum are other illustrations of the same tendency.

In the second place, the growing complexity of our social, political, and industrial life has made imperative the organization of expert boards, bureaus, and commissions in order to collect and systematize those facts without which intelligent and rational legislation is impossible. In the popular mind the tendency of late has been to magnify the importance of the former movement and underestimate the necessity of the latter. Both, under present conditions, seem to be essential in the evolution of American Democracy and should, therefore, be wisely directed toward the accomplishment of their common purpose, which is the realization of efficient popular government.

The establishment of expert boards and commissions has not been confined to any single phase of our political life nor to any particular unit of government. Indeed, the movement has become quite general in city, state, and nation. The existence of tax commissions in a number of our States is a convincing argument for expert knowledge in the difficult field of Public Finance. Any well informed man who is without bias will admit that genuine fiscal reform in any American Commonwealth is impossible without



an efficient non-partisan tax commission. Railroad commissions also exist in a majority of our States, and the powers of these commissions are being enlarged and more specifically defined. At Washington the Interstate Commerce Commission, the Bureau of Corporations, the Bureau of Immigration (in fact the whole Department of Commerce and Labor) may be added to the list. Moreover, the idea of a permanent tariff commission has many able and influential advocates. The recent Public Utility Commissions of New York and the one in Wisconsin are examples of the latest and most mature thought in this significant movement for expert knowledge in the administration of public affairs. Nor should voluntary bodies such as the Bureau of Municipal Research in New York City be overlooked in this connection.

It is in the light of this logical and perhaps inevitable tendency to establish expert bodies that one discovers the origin and growth of the so-called Legislative Reference Department; for it is evident that such a department is not a separate and distinct institution either in growth or purpose. Besides having had organic correlation with State libraries and State historical societies in our various Commonwealths, its growth is but a part of the larger movement to which we have referred.

Legislative reference work may be defined as that particular form of scientific research and publication which makes the materials of State libraries, historical societies, and allied institutions available, with the minimum of effort, to the legislator and to the public at large. It involves first, the collection of current and historical data from other States, and also from foreign countries, together with expert evidence from every possible source; and secondly, it implies the thorough classification of this material, or what is far better the preparation of scientific mono-



graphs whereby all the facts, historical, industrial, constitutional, etc., may be made the basis of legislation and therefore of social progress.

The writer, being personally acquainted with the Wisconsin Legislative Reference Department since its inception in 1901 and thoroughly appreciating the admirable work of that Department, has been much impressed with the desirability of the adoption of its fundamental principles by other States and more especially by Iowa. Before preparing this brief statement, an investigation of the facts was undertaken, and letters, pamphlets, and other data bearing upon the question under consideration were received from practically all of the States. The results of this investigation may be briefly summarized.

The States in which organized legislative reference work is being carried on at present are:

Alabama	Michigan	South Dakota
California	Nebraska	Virginia
Connecticut	New York	Wisconsin
Indiana	North Dakota	
Massachusetts	Rhode Island	

In most of these States the work has been organized within the past two or three years. Indeed, in six States such departments were provided for at the legislative session of 1907. Furthermore, it appears that plans are now being made to enact laws providing for legislative reference work in Oregon, Maine, Kansas, Kentucky, Ohio, Minnesota, Pennsylvania, and Georgia. It is apparent that it is only a question of a short time when such departments will be established in a majority of our States. (It should be particularly noted that the movement is especially pronounced in the States of the Upper Mississippi Valley.) With legislative reference work already in progress in North Dakota, South Dakota, Wisconsin, Michigan, In-

diana, and Nebraska, and with Minnesota and Kansas preparing to enter the list, Iowa will be quite alone unless definite steps are soon taken to provide for this simple and inexpensive method of securing rational and at the same time progressive legislation.

The question naturally arises, where and when did the legislative reference movement originate? As with so many other movements, it is not possible to secure data as to the absolute origin of this work. It has been a growth, the beginnings of which are not easy to find. A very important step was taken by the State Library of New York in 1891 when Melvil Dewey began the publication of *Bulletins on State Legislation*. Excellent work has been done by the New York Library; yet as late as 1903 the statement is made in one of their own bulletins that "As yet, however, little more than a beginning has been made toward proper organization of the resources of the library for this purpose."

Just ten years after the work was commenced in New York by Mr. Dewey, the Wisconsin legislature made the modest appropriation of \$1500 for reference work. The Department was placed in the hands of Dr. Charles McCarthy, under whose efficient management it has experienced a remarkable development. In Wisconsin the Legislative Reference Department is now recognized as a necessity. The letters received from Wisconsin State Senators and other high officials afford eloquent testimony of the usefulness of legislative reference work in the State where it has attained its highest development. The rapidity with which the general movement has grown during the last five years has in no small degree been due to the efforts of Dr. McCarthy.

If it is true that one can not fix any definite date for the beginnings of legislative reference work, the reason seems

to be that, in theory at least, the State Library itself has in a sense always been a legislative reference department. Furthermore, it may justly be affirmed that the various State libraries and the State historical societies do in a measure exist for the purpose of collecting and publishing materials useful in legislation. The State Librarian of Massachusetts writes that "this State Library is organized, as I believe all State libraries should be, as a legislative reference department."

But often times theory is one thing and practice quite another. And so, while State libraries and State historical societies should from the nature of things perform this high office, the truth is that such institutions quite generally contain merely so much latent material from the standpoint of practical legislation. How to make this material available to the legislator has come to be recognized as an important problem during the past decade. The Legislative Reference Librarian has a necessary part in this work. But the task can not be performed by him alone. The State Library and the State Historical Society should direct a part of their energies toward the realization of the same end.

It follows from these observations that legislative reference work should not form a separate and distinct institution but should be organically correlated with the work of the State Library or the State Historical Society or with both. In Wisconsin legislative reference work is, nominally at least, under the Wisconsin Free Library Commission. In Nebraska and South Dakota it is officially connected with the State Historical Society. In Alabama it is treated as a function of the Department of Archives and History. And in Indiana it is a department of the State Library. Be the official connections what they may, the fact is that all of the institutions mentioned are or ought to be one in



purpose. Only in this way can duplication of material and official staff be avoided and the State be given the maximum of expert service at the minimum of cost.

The history of legislative reference work in the American States may be divided into three distinct periods. The first period is that in which State historical societies and State libraries perform their duties in a perfunctory manner as regards practical legislation (the writer does not refer to State law libraries). Their collections represent so much dead material save to the trained student of research. Legislative reference work is done only in theory. Not more than one-third of the States have gone beyond this stage.

The second period is illustrated by the States that have organized Legislative Reference Departments as quasi distinct institutions in which the ordinary library rules of arranging and cataloging material are not used. Under this plan there is necessarily much duplication of material, official force, and expense. All the States that at present do reference work, with the possible exception of New York and Massachusetts, belong in this class. That much excellent and useful work has been accomplished in these States in this way, no well-informed person will deny. The only criticism found in the letters I have received may be attributed to that over-enthusiasm which often results by divorcing such an institution too much from the solid facts of history.

If the legislature is to pass sound and at the same time progressive measures — laws that will work and stick — it is quite as essential to survey the historical background of our State as it is to collect and tabulate the frequently ill-digested laws of neighboring States. There is nothing which prevents ultra-radical action and doctrinaire views from becoming the basis of legislation like a careful and



thorough appeal to the facts of history. This is in my opinion the one weak point in the legislative reference movement as it has thus far developed in the American States. Thus far Legislative Reference Departments have been to a large extent bureaus merely for the collection and organization of *current material*. They have not given enough attention to the far more important problem of scholarly *historical research* and publication. It is this more than anything else that is now needed to give ballast and dignity to the movement—especially when one reflects that in these later days it is quite as essential to safe-guard legitimate business as it is to protect the so-called interests of the public.

The third period may be characterized as that in which the State Library, the State Historical Society, and legislative reference work are so correlated, or at least so administered, as to effectively coöperate in the purpose and effort of sound legislation. The New York State Library is perhaps the nearest approach to this ideal. Under the coöperation suggested all State institutions would in fact, if not in organization, form one great bureau of research and publication in which materials and efforts are not duplicated. The Legislative Reference Expert is a necessary part of such a bureau; and in my judgment his functions should be as follows:

1. To collect current laws and other data necessary for preparing the last chapters in a long series of historical monographs. In this way his services are indispensable to the State Library and the State Historical Society.

2. To act as a medium between the legislature and trained research work everywhere in the State and along all lines which in any way touch legislation.

3. To aid legislators in finding material. If this material has not been worked over and carefully written up by

a competent research man, it is the business of the Reference Expert to see that it is at least arranged in a manner so that it may be easily studied.

4. The Legislative Reference Expert should be a medium between the legislature and the best expert evidence wherever such evidence may be found. He should see that all interests are represented. In this connection he should not be a so-called "lobbyist of the people". He should represent the public at large and not any particular class or institution. This function is well illustrated by the method of passing the Wisconsin Public Utility Law, concerning which Hon. M. S. Dudgeon of Wisconsin said: "A somewhat unique situation thus developed. Here were legislators, experienced draftsmen, eminent economists of the University, high priced legal counsel and experts representing special interests affected, state and city officials, as well as public spirited lawyers and other citizens interested in behalf of the public, all centering their efforts and contributing their best thought toward the forming of a single law. That such a situation developed was in a large degree due to the legislative reference department."

5. The Legislative Reference Expert should not be an agitator or propagandist. He should in every legitimate way be a servant of the people's representatives, but in no case should he aspire to be a legislator. Nor should he be directly engaged in the framing of bills, a function which properly belongs to the legislature itself or to experts appointed by it and therefore directly under its authority as in New York. In this way there can be no possible danger of usurping power which can be safely trusted only to the chosen representatives of the people. Says C. B. Lister of the New York State Library: "In New York the bill drafting work is done through an entirely separate organization under the direct control of the Legislature. This bill draft-

ing feature has been prominent in the work of the western departments and has always proved very popular. It is, however, something which I personally think should be under the control of the legislature and in hands different from those controlling the reference work, but the two should be carried on in the very closest connection in order that the one may supplement the other."

In conclusion it is hardly necessary to state the self-evident fact that legislative reference work should be strictly non-partisan, and that the office of Legislative Reference Expert should not be a political one. The Expert should be appointed on the basis of merit only; he should be a trained student of history, economics, and political science; and he must necessarily be a good "mixer", a man of tact and sound judgment.

Legislative reference work thus organized is universally recognized to be a necessity in the States where it has been established. It is considered to be a *sine qua non* of well conceived legislation. The writer is convinced that the average American legislator of to-day has both the honesty and the ability to enact wise laws after he is in full possession of the facts. Too much has been said of late from Chautauqua platforms and elsewhere in way of crimination and recrimination on this point. The sphere of legislative reference work is to furnish facts — the legislator himself not only can but should be trusted in the actual work of law making.

Is it too much to hope that the State of Iowa will organize legislative reference work along the lines described as representing the third stage in the development of this kind of work? Mr. Johnson Brigham of the State Library has investigated the problem and is thoroughly familiar and in sympathy with the importance of such work; and as regards reference materials a substantial foundation has al-



ready been laid in our State Library. On the other hand, as regards scientific research in the field of the historical, political, and economic conditions of our Commonwealth, it appears that The State Historical Society of Iowa, under the direction of its Superintendent, Professor Benj. F. Shambaugh, has not only outlined and directed such investigations but has already taken up the work of publication.

It should also be noted that the Thirty-second General Assembly went on record as endorsing the value of legislative reference work when it appropriated \$2,000 (for the biennium) for the salary of a "legislative reference and general assistant" in the State Library.

A good beginning having already been made in our State, the problem of providing for legislative reference work with a competent Legislative Reference Expert ought to be comparatively simple. If our State Library, State Historical Society, and allied institutions are made one in purpose they will in fact all together constitute a Greater Legislative Reference Bureau engaged in collection, research, and publication, doing all the things which legislative reference departments in neighboring States are endeavoring to accomplish. In this way through correlation and concentration of effort the State can receive the maximum of expert service at the minimum of cost and be afforded an institution based on the solid foundation of historical facts. Such an institution will, in a very real sense, be the means of rational progress — a progress not tempered too much by reaction.

JOHN E. BRINDLEY

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## SOME PUBLICATIONS

*Stephen A. Douglas: A study in American Politics.* By ALLEN JOHNSON. New York: The Macmillan Company. 1908. Pp. ix, 503.

Three "books" entitled "The Call of the West," "The Doctrine of Popular Sovereignty," and "The Impending Crisis" make up the contents of this volume which is an "interpretation of a personality whose life spans the controversial epoch before the Civil War."

In the first book of seven chapters Professor Johnson creates his hero, sketching his ancestry, birth, youth, education, and his marriage, with distinctness and accuracy. At Jacksonville, Illinois, young Douglas made his entrance into the profession of law and its handmaid, politics. The legislature, the United States Land Office, and participation in the State and National campaigns of 1840 were some of the formative influences in his growing power of leadership.

But for the intricate problems of law the young political leader developed neither inclination nor capacity, and as a soldier of political fortune he was acquiring neither judicial poise nor gravity. After a term in the office of Secretary of State of Illinois he next gained, at the age of twenty-seven, a seat upon the Supreme Bench, where, in spite of his slender legal equipment, justice seems to have been faithfully administered. At the age of thirty through fortune and friends, political generalship and the gerrymander, the young judge entered Congress as a Democratic Representative from Illinois.

Under the aegis of Jackson, Douglas began his Congressional career and was soon able to demonstrate his intellectual powers. With perfervid eloquence he pleaded for the remission of the fine imposed on Jackson many years before; the improvement of the Illinois River he urged as a National undertaking; in the annexa-

tion of Texas he secured the application of the Wilmot Proviso; and the prospect of forfeiting the Oregon Country stirred the beligerent blood of Douglas and elicited a defense containing much rhetoric but also a "substratum of good sense and the elements of a true prophecy."

With the annexation of Texas Congress also annexed a war. Against John Quincy Adams, Douglas took up the defense of President Polk and the War with Mexico. Again this defense was renewed when he was elected to the Senate in 1847. But among his many excellencies Douglas exhibited many glaring defects. "From first to last he was an attorney, making the best possible defense of his client. Nothing could excel his adroit selection of evidence, and his disposition and massing of telling testimony. . . . It goes without saying that Douglas's mental attitude was the opposite of the scientific and historic spirit. Having a proposition to establish, he cared only for pertinent evidence. He rarely inquired into the character of the authorities from which he culled his data."

Until 1845 the career of Douglas was a process of adjustment to the growth, migration, and increase of his Illinois constituency; to the expanding commercial ambition of Illinois, which rose to National greatness in the Illinois Central Railroad Bill; to the Compromises of 1850 for all of which but one he voted, and finally to the presidential games of 1848 and 1852. Ambition and a buoyant optimism for the future of America permeated his foreign policy toward Europe and Central America, increasing both his power of leadership and the number of his followers.

The climax of Douglas's legislative career is, of course, in the Kansas-Nebraska Act. "The tap-root from which squatter sovereignty grew and flourished", says the author, "was the instinctive attachment of the Western American to local self-government." The legislative history of this act is sketched in a clear and logical manner which makes the chapter devoted to it perhaps the most interesting of the volume.

Despite common belief and the verdict of many historians, Professor Johnson declares that there is ample evidence that the

Senator from Illinois had no wish or intent to repeal the Missouri Compromise with a view to opening up the Nebraska Country to slavery. The area of slavery he believed definitely circumscribed by Nature. "The regrettable aspect of Douglas's course", comments the author, "is his attempt to nullify the Missouri Compromise by subtle indirection. This was the device of a shifty politician, trying to avert suspicion and public alarm by clever ambiguities."

Senator Douglas's closing argument on the Kansas-Nebraska Bill on March 3, 1854, stimulates the admiration of the author. It exhibited the magnificent fighting qualities of Douglas, his self-reliance and his power of rebuttal against a magnificent array of oratorical and dialectic talent. It was in this speech that Douglas rechristened the term "squatter sovereignty" with the more dignified name of "popular sovereignty" and also provided it with an historical pedigree.

Chapter thirteen is a critical and discriminating treatment of "The Testing of Popular Sovereignty." The effect of the doctrine in Kansas is reviewed, the reflex action of "Bleeding Kansas" in Congress is portrayed and its bearing upon the presidential election of 1856 is discussed. "The political complexion of Illinois had changed", remarks the author at the close of this chapter. "It behooved the senior senator to take notice."

Standing sponsor for justice to "Bleeding Kansas" Douglas led a revolt when Buchanan's administration embraced the Lecompton constitution. An overwhelming defeat of this constitution was followed by the Supreme Court's action countenancing the view that Kansas was legally a slave Territory. What, then, became of the great principle of popular sovereignty? This was the question which Douglas was now called upon by Abraham Lincoln to answer.

Fifty years ago, explains Professor Johnson, it was Douglas and not Lincoln who was the cynosure of all observing eyes. The latter was a lawyer of recognized ability, a seasoned politician and a man of integrity, frankly aspiring for National honors. The campaign which saw the Lincoln-Douglas debates just a half cen-

tury ago is graphically described. From Ottawa to Alton the reader is made to see the eager throngs that attended the debates; the spirit and atmosphere of the discussions are again revived and the reader is again enabled to listen to the arguments, the personalities, and the mutual blows of the rival candidates debating the great question of the hour.

During this campaign (in 1858) Douglas made one hundred and thirty speeches. He drew upon resources which Lincoln could not command; the Illinois Central Railroad was friendly to him; undoubtedly he spent thousands of dollars from his own purse, and the constant companionship of Mrs. Douglas, whose tact and beauty placated feelings which had been ruffled by the opponent of Lincoln, was not the least of his campaign assets. When Douglas was reëlected over Lincoln it was said, "Let the voice of the people rule." But, asks the author, had the *will* of the people ruled?

A chapter of critical discussion of Lincoln's and Douglas's views on slavery follows the narrative of their debates. The discussion on the campaign of 1860 is followed by a chapter entitled, "The Merging of the Partisan in the Patriot". In the strained relations between North and South Douglas put himself unreservedly at the service of the party of compromise. Secession he denounced as "wrong, unlawful, unconstitutional, and criminal;" he became the close and trusted adviser of his lifelong rival—the President; to Lincoln's proclamation calling for 75,000 volunteers he objected because it did not call for 125,000 more; in his bodily sickness he could not forget the ills of his country and his dying words to his sons were that they should obey the laws and support the Constitution of the United States.

A fuller discussion would be expected of Douglas's interest in and attitude toward the public domain aside from the questions of slavery extension over it. When it is remembered that both in the House and later in the Senate he was Chairman of the Committee on Territories and reported the bills for the admission of Texas, Iowa, Florida, and Wisconsin, his work in State-building and legislation becomes fundamental in western expansion. Greater emphasis, too, might have been placed on his work for internal im-



provements—for river and harbor bills, for railroad land grants, and for commercial routes to the west. Thirteen pages of index add to the value of the work.

Scholarship and accuracy are stamped on every page of the book. Footnote authorities on nearly every page show the critical and painstaking work by which a vast field of letters, documents, speeches, newspapers, and reminiscences have been made to do service in the preparation of this biography. In a spirit of fairness, praise and blame have been given by the author when due, while his deductions are both logical and illuminating.

Professor Johnson's style, which is epigrammatic, incisive, and interesting, invests his work with a readableness far above that of the average biography. The lay reader as well as the student and the historian can read with profit and delight this volume, which, besides being a new side-light upon the history of the antebellum period, is also a new interpretation of the man generally pointed out as the opponent of Abraham Lincoln.

LOUIS PELZER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*The Settlement of Illinois from 1830 to 1850.* By WILLIAM VIPOND POOLEY. Madison: The University of Wisconsin. 1908. Pp. 309. Maps.

This monograph, written as a doctor's dissertation and published as a *Bulletin* of the University of Wisconsin, is a detailed study of the various settlements which sprang up and developed or died out again in the two decades following 1830. The author classes this as the third period of settlement, its general defining limits being the opening of steam navigation on the Great Lakes and the opening of railroads across the prairies.

By way of a running start, Mr. Pooley goes back to the settlement of Illinois prior to 1830 and then passes to a discussion of the causes for the settlement of Illinois. He divides these into general causes, affecting the entire Nation, and special causes, affecting different localities in varying times and manners. This chapter, in-

deed, resolves itself into a treatment of general and local causes of migration to the West, resulting in the peopling of Illinois and of other commonwealths in the Upper Mississippi Valley. The final one of these preliminary chapters deals with the routes of travel to the West, and gives numerous facts and statistics regarding overland and waterway transportation. These two subjects of migration causes and migration routes are of such large proportions that greater success in treatment would perhaps have resulted from a more careful attention to general principles rather than to individual details. Illinois, largely because of its great extent north and south and because of its location on water routes of such importance as the Ohio and Mississippi rivers and Lake Michigan, drew within its borders a population that came from all parts of the Nation. The southern and western portions received continual additions from Kentucky and Tennessee, from Virginia and the Carolinas and all the middle East that used the Ohio River as a transportation route. The north was peopled to a large extent by way of the Great Lakes. A third general tide of migration came directly west overland from the States of Indiana and Ohio.

The five middle chapters of the monograph present the growth of settlements in different sections or localities of the State, namely: the Illinois and the Fox River Valleys; the Military Tract, extending along the Mississippi from the mouth of the Illinois to nearly the mouth of the Rock River; the Rock River Valley; Eastern Illinois; the Lead Region in the vicinity of Galena; and the city of Chicago. The sources of information regarding this growth include county histories, emigrant guides, books of travel, official reports and statistics, and local newspapers. Infinite details crowd these chapters. Statistics of growth, accounts of booms and bubbles, and descriptions of the dress, the habits and the industries of the people who settled the hundreds of early Illinois towns give an illuminating idea of pioneer life. There is generalization also, though not to the extent that one might wish. The relation of the early hunter-pioneer to the subsequent farmer-pioneer, the immigration, the intermixing and the relative propor-

tions of the southerners and the Yankees, the preference for timber land rather than the plains, receive consideration and are worthy of still greater emphasis.

Among the potent factors affecting settlement, changing its channels, and retarding or accelerating its growth were the Black Hawk War in 1832, which drove back the advancing hunter-pioneers into the southern part of the State and left a freer field for the farmer migration from the Great Lakes, the financial tribulations that were prevalent during the late thirties and early forties, and the development of the various means and routes of transportation.

The last five chapters of the work are devoted to four special topics and a resumé of the two decades. One deals with the foreign elements in the population of the State, another treats briefly of the Mormons in Illinois. The history of the sojourn of these people in Hancock County is not typical of the early settlements, but their short-lived prosperity and final ignominious departure form a striking incident in a movement that is of no mean importance in the story of the transcontinental migration. Communistic settlements receive attention in a third chapter. The most notable of these were two communities of followers of Fourier in Bureau and Sangamon counties, the Bishop Hill settlement of Swedish Jansonists, and an Icarian colony founded by M. Etienne Cabet, on the abandoned site of the Mormon city of Nauvoo. These communities, though sharing the fate of most communistic attempts, did not arouse the hostility of the neighboring settlers as had the Mormon colony.

The two decades under consideration were gradually bringing the settlers to a realization of the possibilities of the open prairies and a chapter is appropriately given to the treatment of the prairie pioneer. The first settlers clung to the timber lands along the streams and looked upon the treeless plains as waste land. The influence that wrought most effectively for the peopling of these rich prairies with farmer-pioneers, was the advent of the railroads that crossed the State and afforded a communication, the lack of which had so appalled the cautious dweller by the

riverside. Then at last "he swung clear of the timber and built his cabin on the open prairie." The concluding chapter is a short summary of the facts concerning the growth of population and settlements.

The work contains a vast amount of valuable information and where the writer has drawn conclusions they are well founded. He has assiduously gathered material from a wide range of sources. In the multiplicity of details, however, the reader is apt to lose his bearings and find himself wandering somewhat aimlessly among the statistics of population and products. More frequent generalization, and more careful synthesis and arrangement of facts within the chapters would have largely remedied this objectionable feature. The arrangement of chapters is good. The writer confines himself very strictly to the development of localities. This system has its merits, but a treatment of the general relations of the State of Illinois to its constituent points of settlement, a fuller presentation of the land laws then in operation and other similar topics might well have been introduced.

The list of authorities appended to the monograph is extensive and classified as to nature. It is a matter of some wonder to the reviewer that manuscript collections and the official records of the State of Illinois were not more often referred to. A very full table of contents is given, but the volume is seriously marred by the absence of an index. The work, however, is one of undoubted value not only to the history of Illinois but to the history of the Mississippi Valley and to an understanding of the movement of western migration.

JOHN CARL PARISH

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IOWA CITY

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## AMERICANA

### GENERAL AND MISCELLANEOUS

The concluding installment of *The Geronimo Campaign*, by H. W. Daly; *Captain Crawford's Last Expedition*, by Lieutenant W. E. Shipp; and *Right of Trial of Soldiers in the Philippines*, by



Lieutenants Rhees Jackson and Ronald E. Fisher, may be noted as articles of particular interest in the October number of the *Journal of the United States Cavalry Association*.

The second volume of Professor Edward Channing's excellent *History of the United States* has appeared, and volume three is in preparation.

Two interesting pamphlets recently published by the American Branch of the Association for International Conciliation are: *The Approach of the Two Americas*, by Ambassador Joaquim Nabuco, of Brazil; and *The United States and Canada*, by J. S. Willison, of Toronto.

*Regulation of the Liquor Traffic* is the topic of discussion in the November number of *The Annals of the American Academy of Political and Social Science*. There are a number of brief articles dealing with the question in all its various aspects, legal, moral, political and economic.

The close relation which exists between a period's literature and its history is clearly pointed out by P. Hume Brown in an article on *Literature and History* in *The Scottish Historical Review* for October. Another noteworthy article is one by Theodora Keith on *Scottish Trade with the Plantations Before 1707*.

*The Theory of a Pleading*, by Clarke Butler Whittier, is the opening article in the November number of the *Columbia Law Review*. Other articles are: *The New American Code of Legal Ethics*, by Simeon E. Baldwin; *Aristotle on Legal Redress*, by Paul Vinogradoff; and *The Proper Use of the Writ of Injunction— from the Standpoint of Legal History*, by Frederick W. Stevens.

*The Report of the Fourteenth Annual Meeting of the Lake Mohonk Conference on International Arbitration* contains a full account of the proceedings of the conference which was held at the home of Mr. Albert K. Smiley in May, 1908. A feature of the conference was the emphasis placed upon the part which business men college men, editors and clergymen should play in promoting international arbitration.

Several articles of interest to the student of political and social science are to be found in *The South Atlantic Quarterly* for October. William P. Few discusses *Education and Citizenship in a Democracy*; under the heading, *The Passing of Two Great Americans*, Edwin Mims writes appreciations of Grover Cleveland and Joel Chandler Harris; and other articles are: *Robert E. Lee Once More*, by Charles F. Smith; *Governor Hughes: A New Type of Executive*, by William H. Glasson; and *Hull House, Chicago*, by William Ludlow Chenery.

The tradition of Betsey Ross and the flag, like many other legends of early American history, has no real basis or proof, as is shown by John H. Fow in a recent book bearing the title, *The True Story of the American Flag*. The author has made a careful search and finds absolutely no evidence in support of the story that the first American flag was designed and made by Betsey Ross, although he does not deny that she might have made the flag merely as a seamstress under direction of the committee of the Congress. It is to be regretted that a study so carefully made is printed and bound in a style more suitable to a child's story-book than to a serious historical treatise.

The November number of the *American Historical Magazine* opens with a second installment of *The Origin of the Book of Mormon*, written by Brigham H. Roberts in reply to Theodore Schroeder. *Washington's Army in Lowantica Valley, Morris County, New Jersey*, by Andrew M. Sherman, is an account of the quarters occupied by Washington's army during the winter of 1776-1777. A brief article by Corra Bacon-Foster, entitled *Social Amenities in Early Washington Society*, gives the reader a glimpse into social life at the national capital during the administration of Thomas Jefferson. *Heroes of the Battle of Point Pleasant*, by Delia McCulloch, is another interesting contribution to this number of the *Magazine*.

In an article on *The Chief Questions of Present American Politics*, in the September number of the *Political Science Quarterly*, John W. Burgess presents a clear-cut discussion of the great issues

which now confront the American nation, both as to foreign and internal policies. G. G. Groat writes on *The Courts' View of Injunction in Labor Disputes*; and in telling of *The Needs of the Railroads*, Logan G. McPherson treats of the railroad question from a standpoint somewhat different from that taken by most writers in these days of popular feeling against the railroad. *The Crisis and Panic of 1907*, by Joseph F. Johnson, is a study of the causes and conditions which made the crisis and panic inevitable.

The fourth number of the second volume of *The Journal of American History* appears in a cover of purple and gold designed to be symbolic of the brotherhood of nations. Among the contents are: *First Draft of a Constitution for the United Nations of the World*, by William Osborne McDowell; *Journal of the "Great Voyage" from Philippines to America*, by William Henry Wallace, in which are given extracts from the diary of an Italian named Careri who made a voyage around the world in 1697; *Investigation into the Justice of the Mexican War*, by Charles H. Owen, who defends the course adopted by the United States; and *Memoirs of an American Plainsman*, by Gilbert L. Cole, in which are told the experiences of a pioneer who crossed the plains from Michigan to Nebraska in 1852. Many other interesting things may be found in spite of the apparent lack of systematic arrangement of material. There is an attempt at an index, but it would be of little assistance to the student looking for details.

Constitution making in America is given special emphasis in the November number of *The American Political Science Review*. In an article on *The Federal Constitution and the Defects of the Confederation*, by Max Farrand, it is shown that the framers of the Constitution realized that there were defects in the Articles of Confederation, "that the convention was called for the purpose of correcting those specific defects, and that the Constitution embodied in itself little more than the remedies for those defects." *The First State Constitutional Conventions, 1776-1783*, by W. F. Dodd, is a discussion of the part played by the people in framing the early State Constitutions, and the origin of the distinction between

the constitution and statutory enactments. In addition to these two articles on closely related subjects there is a discussion of *Amendments in House of Commons Procedure Since 1881*, by Edward Porritt; and Margaret A. Shaffner's *Notes on Current Legislation*, which as usual is full of valuable information. The August number of the Review was omitted in order that in the future the volume may correspond to the calendar year.

## WESTERN

*The Culture of the Luiseno Indians*, by Philip Stedman Sparkman, is a recent number of the *University of California Publications in American Archaeology and Ethnology*.

A *Bulletin of the Geological Society of America* published in October contains a paper on the Nebraska "Loess Man", read before the Society in December, 1907, by Professor Bohumil Shimek of The State University of Iowa.

The histories of two Mississippi Valley States have recently been afforded places in the *American Commonwealth Series*. Dr. Reuben Gold Thwaites is the author of a volume on *Wisconsin*, while the history of *Minnesota* is written by Professor W. W. Folwell.

*The Conquest of the Great Northwest*, by Agnes C. Laut, is a recent work in two volumes dealing with the history of the Hudson Bay Company and the experiences of its agents in the northwest. The work is illustrated by reproductions of old documents, portraits, paintings, and maps, and is written in a very readable style.

Volume two part one of the *Anthropological Papers of the American Museum of Natural History* is a monograph on the *Mythology of the Blackfoot Indians*, by Clark Wissler and D. C. Duvall. The various legends here translated from the Indian tongue are grouped under five headings: Tales of the Old Man, Star Myths, Ritualistic Origins, Cultural and Other Origins, and Miscellaneous Tales.

In the July-August number of the *Records of the Past* there are to be found several interesting western items of an archaeological and ethnological nature. Robert F. Gilder tells of *Indian Sites*



*Near Frederick, Wyo.*; George Frederick Wright contributes articles on *The Latest Concerning Prehistoric Man in California*, and on *Fort Ancient in Ohio*; and Richard Herrmann discusses *A Probable Origin of the Custom of Mound-Building*. Among the articles in the September-October number, those of special interest to archaeologists in the Mississippi Valley are: *A New Serpent Mound in Ohio and Its Significance*, by George Frederick Wright; *Relics of the Past in Minnesota*, by Anthon F. Gesner; and *Preservation of the Man Mound, Wisconsin*.

A four volume work entitled *Minnesota In Three Centuries* was distributed to its subscribers in November. The general supervision of this work has been in the hands of a board of editors, consisting of Warren Upham, Lucius F. Hubbard, James H. Baker, and William P. Murray. Mr. Upham is the author of the first volume, which, after introductory chapters on the geography, geology, flora and fauna, and the climate, comprises the history of explorations in the Minnesota country. The second volume, written by Return I. Holcombe, begins with the establishment of Fort Snelling in 1820, and extends to the admission of Minnesota into the Union in 1858. General Hubbard and Mr. Holcombe, in the third volume, tell of the Indian outbreak, the Civil War, and the progress of the State down to 1870. The fourth volume, by Frank R. Holmes, continues the history to the present time, and also contains chapters on the industries and resources of Minnesota, with a general index to the four volumes. The entire work comprises nearly two thousand pages, and has many portraits and illustrations.

#### IOWANA

A special edition of the student paper, *Scarlet and Black*, issued on December 2, contains a brief history of Iowa College at Grinnell.

The *Masonic Bulletin* is a new Iowa publication which made its appearance in October. It is printed at Des Moines and contains much of interest to Iowa Masons.

On Tuesday, September 8, during the special session of the General Assembly of Iowa, memorial exercises in honor of the late

Senator Allison were held in the hall of the House of Representatives. A full account of the proceedings has been printed in a pamphlet issued from the office of the State Printer.

In the *Year Book* of the Iowa Federation of Women's Clubs for 1908-1909 it is shown that there are in the Iowa federation three hundred and sixty-four clubs, having a total membership of thirteen thousand three hundred and five.

J. E. Conner, United States Consul at Saigon, is the writer of a brief article entitled *In the Oriental Tropics*, in the October number of *The Iowa Alumnus*. In the November number there are short biographical sketches of Judge W. D. Evans and Lieutenant Governor George W. Clarke, by O. A. Byington and John B. White respectively.

The first volume of the *Roster and Record of Iowa Soldiers in the War of the Rebellion* has appeared. This valuable compilation, which will consist of eight large volumes, is being published by authority of the General Assembly, under the direction of Adjutant General Wm. H. Thrift. The first volume includes the roster and records of the first eight regiments of Iowa Infantry.

Among the contributions to the October number of the *Journal of History* published by the Reorganized Church of Jesus Christ of Latter Day Saints are: *Brief Glimpses into a Century of the Past*, by M. Walker; *Character Sketch of Lucy Mack Smith*, by Vida E. Smith; a biographical sketch of *Edward Partridge*, by H. H. Smith; and a continuation of the *Autobiography of Charles Derry*.

*Pioneers of Polk County, Iowa and Reminiscences of Early Days*, by L. F. Andrews, is a splendid item of Iowana recently distributed. The work is in two volumes, and consists, as the title indicates, of sketches of the leading pioneers of Polk County, written by a man who has a personal knowledge of them all. Each sketch is accompanied by a portrait. As a specimen of the bookmaker's art, as well as in content, this work is of a high order. Excellent paper, clear print, and good binding combine to make the volumes unusu-

ally attractive. To Lowell Chamberlain, whose "generosity and public spirit" made possible the publication in such excellent form, the work is dedicated by the author.

On the occasion of the fifth biennial convention of the Modern Brotherhood of America held at Davenport in October, the Commercial Club of that city issued an attractive souvenir program bearing the title, *Davenport, the Eastern Gateway of Iowa*. In addition to the program of the convention there are included within the sixty-four pages of this booklet a historical sketch of Davenport, numerous views of the city, past and present, and descriptions of the various institutions, public utilities and business enterprises of the city.

The November number of *Midland Municipalities* contains the minutes of the eleventh annual meeting of the League of Iowa Municipalities held at Ottumwa, September 16-18, and the report of the Committee on Legislation, in which many recommendations are made looking toward the betterment of municipal government. In the December number there may be found the report of a Committee on Judicial Opinion, and an address on *Six Months of City Government by Commission*, in which is told the success of the new plan in Cedar Rapids.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

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*The Trail of the Go-hawks*. Boston: C. M. Clark Co. 1908.

Walker, Margaret Coulson,

*Bird Legend and Life*. New York: Baker-Taylor Co. 1908.

#### SOME RECENT HISTORICAL ARTICLES IN NEWSPAPERS

##### *The Register and Leader*

Sketch of Life of B. F. Wright, September 14, 1908.

G. M. Hammond — A Des Moines Booster from Away Back, September 20, 1908.

James J. Daily, A Real Pioneer, by L. F. Andrews, September 20, 1908.

Brief History of Iowa Wesleyan College, September 20, 1908.

Jonathan W. Cattell, a Pioneer Polk County Lawmaker, by L. F. Andrews, September 27, 1908.

Sketch of Life of W. O. Curtiss, Pioneer Des Moines Lawyer, September 29, 1908.

- Sketch of life of William Salter, October 4, 1908.
- General John H. Looby, an Iowa Veteran, by L. F. Andrews, October 4, 1908.
- The Home Was the Subject of Pioneer Legislation, by L. F. Andrews, October 11, 1908.
- An Iowa Statue and its Story — Statue of Chief Mahaska, October 11, 1908.
- The Rise of the House of Mandelbaum, October 11, 1908.
- Sketch of Life of Levi B. Dunton, October 11, 1908.
- The Tragedy of an Iowa Author's Career — Incidents in Life of Miss Jessamine Jones, October 18, 1908.
- Sketch of Life of William H. Lear, by L. F. Andrews, October 18, 1908.
- Sketch of Life of Ambrose A. Call, founder of Algona, October 24, 1908.
- Samuel Kirkwood, Miller and War Governor, November 8, 1908.
- The "Big Stick" of the Iowa Band, November 15, 1908.
- Sketch of Life of Albert Grefe, Sr., by L. F. Andrews, November 22, 1908.
- Sketch of Life of Herbert M. Hoxie, by L. F. Andrews, November 22, 1908.
- When Prouty and Hamilton were Rivals, November 29, 1908.
- Simon B. Keffer — a Pioneer of the Fifties, by L. F. Andrews, November 29, 1908.
- Augustus Newton — a Pioneer Business Man, by L. F. Andrews, December 6, 1908.
- Incidents in Life of Lorenzo S. Coffin, December 6, 1908.
- A. S. Bailey, Last Surviving Member of Famous Pioneer Mormon Band, December 6, 1908.
- Passing of the Picturesque Rafting Days, December 6, 1908.
- W. C. Brown — From Section Hand to Railroad Magnate, December 13, 1908.
- David Rittenhouse Ewing, Pioneer and Philanthropist, by L. F. Andrews, December 13, 1908.
- Hunting in Iowa in Days Gone By, by John G. Smith, December 13, 1908.

*The Burlington Hawk-Eye*

Twenty Years Ago. (In each Sunday issue).

Sketch of Life of B. F. Wright, September 16, 1908.

Meeting of Fremont Voters at Fairfield, September 17, 1908.

Sketch of Lives of R. F. Hosford and Jedediah Bennett, Burlington pioneers, September 19, 1908.

Fort Madison — Oldest Town in Iowa, September 20, 1908.

Old Fort Madison, by William Salter, October 3, 1908.

With the Third Iowa, October 6, 1908.

Life at Old Fort Madison, October 7, 1908.

Major John F. Lacey, Patriotic Republican, October 11, 1908.

Dr. William Salter — Father of the Burlington High School, November 8, 1908.

Story of a Pioneer — Judge C. C. Nourse, November 8, 1908.

*The Cedar Rapids Republican*

Down the Cedar River, by F. J. Lazell, September 13, 1908.

Biographical sketch of J. O. Stewart, Iowa's Oldest Printer, September 20, 1908.

Taxpayers of Cedar Rapids Fifty Years Ago, September 20, 1908.

With the Third Iowa, October 6, 1908.

Diary of the Twentieth Iowa, October 16, 1908.

Letter from L. D. Blair, a Veteran of the Twentieth Iowa, October 23, 1908.

*The Dubuque Telegraph-Herald*

Brief History of St. Vincent de Paul Society, October 4, 1908.

Sketch of History of Liquor Legislation in Iowa, November 15, 1908.

Sketch of Life of William K. De Lorimier, a Dubuque pioneer, December 3, 1908.

Estimate of Senator Allison's Power in the Senate, December 8, 1908.

*The Sioux City Journal*

Twenty Years Ago. (In each Sunday issue).

Some Recollections of Col. William P. Hepburn, September 20, 1908.

Sketch of Life of George Weare, a Pioneer of Sioux City, November 6, 1908.

## HISTORICAL SOCIETIES

### PUBLICATIONS

*Some Contrasts Suggested by the Massacre of Wyoming*, is the subject of an address delivered by Henry Budd before the Wyoming Commemorative Association on July 3, 1908. The address is printed in the *Proceedings* of the Association for 1908.

A biographical sketch of *Galen James*, by Helen T. Wild; an article entitled *An Old Physician's Record*, by John H. Hooper; and *Unpublished Manuscripts of Caleb Swan*, with editorial notes, make up the October number of *The Medford Historical Register*.

An appreciation of *Grover Cleveland*, by Lyman Abbott, is the opening contribution in the October number of *The New York Genealogical and Biographical Record*. Another article of more than local interest is one by the Viscount de Fronsac on the *Lords of Manor of New York*.

A concise historical discussion of *Legal Qualifications of Voters in Massachusetts*; a list of *Haverhill Inscriptions: Walnut Cemetery*; a genealogical account of the *Descendants of John Brown of Ipswich*; and an article on *Salem in 1700*, by Sidney Perley, may be found in the October number of *The Essex Antiquarian*.

*Heath: A Historic Hill Town*, by Edward P. Guild; *Fifty Years of Probation Work in Massachusetts*, by Frank B. Sleeper; *Colonel William Prescott's Regiment*, by F. A. Gardner; *Massachusetts Pioneers in Michigan*, by Charles A. Flagg; and *Some Massachusetts Historical Writers*, are among the articles in *The Massachusetts Magazine* for October.

*Der Krieg der Flachköpfe und Regulatoren im südlichen Illinois, 1831-1850*, is the title of the opening contribution to the October number of the *Deutsch-Amerikanische Geschichtsblätter*. Under the heading, *Amana, die Gemeinschaft der Wahren Inspiration*, there is copied from the Davenport *Demokrat* a review of Mrs.



Shambaugh's book on Amana. Among the other articles there is a continuation of Heinrich Bornmann's *Geschichte der Deutschen Quincy's*.

In the *Journal of The Presbyterian Historical Society* for September there are to be found the following articles: *The Centenary of the Town Steeple of Frederick, Maryland*, by E. R. Eschbach; *James Duncan Ferguson: 1837-1906*, by Charles S. Cleland; and a continuation of *The Presbyterian Church of Monmouth County*, edited with introduction and notes by James Steen.

The June to September number of *The Wisconsin Archeologist* contains the papers read at a joint meeting of Wisconsin scientific societies held at Milwaukee in February, 1908. Among the many interesting papers are: *The Progress of Archaeological Science in Wisconsin*, by Warren K. Moorehead; *Archaeological Work in Wyoming*, by Harlan I. Smith; and *A Mandan Village Site*, by Herbert C. Fish.

The leading article in the October number of *The "Old Northwest" Genealogical Quarterly* bears the title, *Ye Andersons of Virginia and Some of Their Descendants, Bye One of Ye Famile*. Other contributions are: *Israel Clark, An Ohio Pioneer*, by Orra Eugene Monnette; and *Judge Byrd's Journals*, by N. W. Evans. There are also printed the rules and regulations and the by-laws adopted by the Society on June 25, 1908.

The July number of *The Quarterly of the Texas State Historical Association* contains two excellent contributions to the source material of Texas history. One of these, entitled *The Records of an Early Texas Baptist Church*, is a continuation from a previous number of the *Quarterly*, and covers the years from 1847 to 1869. *The Recollections of S. F. Sparks* is a story of early days in Texas, told by a man who settled in that country in 1834.

Among the contributions to *The Essex Institute Historical Collections* for October are the following: *The Early Church Plate of Newburyport, Newbury, West Newbury and Rowley*, by John H. Buck; *Transcripts of the Lost Registers of Rowley, Co. York, England*, by J. Henry Lea; and a continuation of *Revolutionary*

*Letters Written to Colonel Timothy Pickering*, by George Williams, and of Robert S. Rantoul's biographical sketch of *Frederick Townsend Ward*.

In the July number of *The Pennsylvania Magazine of History and Biography* there is printed an address on *Anthony Wayne*, delivered at Valley Forge in June, 1908, by Hon. Samuel W. Pennypacker, on the occasion of the dedication of a monument to General Wayne. Another article of more than local interest is one by Charles Henry Hart, which bears the title, *An Original Portrait of Doctor Franklin, Painted by Joseph Wright, Belonging to the Royal Society, London*.

Three contributions make up the contents of the *German American Annals* for September and October. The first is a brief article on *The Palatines in New York and Pennsylvania*, signed J. G. R. Then follows a somewhat detailed discussion of *German American Researches*, by Richard E. Helbig, in which the writer tells of the growth of the German American collection of the New York Public Library during 1906 and 1907. The last article is by Edwin M. Fogel and bears the title, *The Himmelsbrief*.

With the exception of *Revolutionary Pension Declaration from Pittsylvania County, Va.*, the October number of *The Virginia Magazine of History and Biography* is devoted to continuations of original material. The most valuable of these contributions are perhaps: *The Randolph Manuscript*, and *Journals of the Council of Virginia in Executive Sessions, 1737-1763*. In order that in the future the volume of the *Magazine* may correspond with the calendar year, the July and October numbers are made to constitute volume sixteen.

*The Florida Historical Society Quarterly*, while unpretentious in size, is proving to be an excellent addition to the list of historical periodicals. The third number of this new publication appeared in October, and contains much of interest. The opening article, entitled *Old St. Augustine*, by De Witt Webb, is accompanied by a view of St. Augustine harbor printed from an engraving made about 1650. Caroline Mays Brevard concludes her biographical

sketch of Richard Keith Call, and John Y. Detwiler writes on *Antiquities at and near New Smyrna, Florida*. There is reprinted from the August number of the *Magazine of History* an article by Geo. B. Uteley on the *Origin of the County Names in Florida*.

The leading contribution to the September number of the *Maryland Historical Magazine* is a paper on *Benedict Leonard Calvert, Esq. Governor of the Province of Maryland, 1727-1731*, by Bernard C. Steiner. Under the title, *Babylon's Fall in Maryland A Fair Warning to Lord Baltimore*, there is reprinted for the first time in this country, a pamphlet dealing with the struggle between Parliament and the Proprietary's forces in Maryland in 1655. The remaining contributions consist largely of extracts from the Calvert papers.

The slavery question and early western transportation facilities are the topics discussed in *The Quarterly of the Oregon Historical Society* for September. T. W. Davenport, in a well written article on the *Slavery Question in Oregon*, relates his own recollections of the slavery agitation in Oregon Territory and its influence on Oregon politics. The "*Free-State Letter*" of Judge George H. Williams, which is reprinted from an early Oregon newspaper, is an able argument against the attempt to establish slavery in Oregon. Under the title, *Oregon's First Monopoly — The O. S. N. Co.*, there is a scholarly account of the origin and early development of the Oregon Steam Navigation Company, by Irene Lincoln Poppleton. Under the heading of documents there is printed a *Subscription List for Railroad Survey Funds* made in 1863.

The July number of *The Washington Historical Quarterly* contains a number of brief articles on a good variety of subjects. Rolin J. Reeves, in writing on *Marking the Washington-Idaho Boundary*, tells of his own experiences as officer in charge of the work which was done in 1873. *History of San Juan Island* consists of a few reminiscences by Charles McKay, the only surviving member of the colony of Americans who settled on the island in 1859. Under the title, *Seattle and the Indians of Puget Sound*, Thomas W. Prosch discusses the origin of the name of city of Seattle. There is a second installment of Edward McMahan's *Stephen A. Douglas:*



*A Study of the Attempt to Settle the Question of Slavery in the Territories by the Application of Popular Sovereignty — 1850-1860*, which is written in a scholarly and scientific manner. Three other articles and a number of documents complete this number of the *Quarterly*.

Charles Clinton Nourse, whose late retirement from active life closes a long and useful legal career in Iowa, writes reminiscently on the subject, *Beginning Fifty Years of Practice at the Iowa Bar*, in the October number of the *Annals of Iowa*. Under the heading, *Report upon the Propriety of Abandoning Forts Armstrong and Des Moines*, there is printed a document which has recently come into the hands of the Historical Department, but of which the authorship is not definitely known. William Salter again contributes a number of *Old Letters* from the correspondence of such men as Henry Dodge, A. C. Dodge, James W. Grimes, Samuel J. Kirkwood, and others, as well as a few received by himself during the fifties. The other contributions are a *Diary Kept by William Edmundson, of Oskaloosa, While Crossing the Western Plains in 1850*; an article on *Handling the Panic of 1907*, by A. C. Miller; and a brief discussion on *Climatic Changes*, written by the late Charles Aldrich.

Early in August there was held at Berlin a great gathering of historians from all over the world. A similar meeting was held at The Hague in 1898, and another at Rome in 1903. All of the meetings thus far have been successful and it is hoped that they will be continued at intervals of five years. Under the heading, *The International Historical Congress at Berlin*, Charles H. Haskins gives an account of the meeting last summer, in the October number of *The American Historical Review*. There is also printed the address delivered before this congress by Ambassador David J. Hill on *The Ethical Function of the Historian*. Ferdinand Schevill writes on *San Galgano: A Cistercian Abbey of the Middle Ages*. James W. Thompson, in an article on *Some Economic Factors in the Revocation of the Edict of Nantes*, discusses some of the economic conditions and movements leading up to this famous event rather than the economic results. The concluding article is a con-



tribution to the political history of the United States, by St. George L. Sioussat, bearing the title, *Some Phases of Tennessee Politics in the Jackson Period*. Under the heading of documents there may be found *Letters of Sir George Simpson, 1841-1843*, edited by Joseph Schafer.

There is a fascination in the study of prehistoric man in America which few can resist who have delved even lightly into its mysteries. The life history of the Mound Builders remains a closed book to which no key has yet been found. But the material products of his civilization have survived the ravages of time and are in evidence throughout the length and breadth of the continent and especially in the Mississippi Valley. From these ancient remains science and scholarship may some day gain a clue to the character and life of their builders. One of the many scholars who have become deeply interested in this subject is Mr. E. O. Randall, Secretary of the Ohio Archaeological and Historical Society. He is the author of a little book entitled *The Masterpieces of Ohio Mound Builders*, which has recently been published by the Society. Only the hill-top fortifications are discussed in this volume, which, as the author states in the preface, aims to give a clear and accurate description of the mounds rather than a scientific or technical treatise of them. A few pages at the beginning are devoted to the famous Cahokia Mound in Illinois which the author visited in 1904. The most important of the hill-top fortifications which are to be found in Ohio are then enumerated and described, while a somewhat extended chapter is devoted to Fort Ancient. It is claimed that there are more localities in Ohio which give evidence of the existence of a prehistoric race of people than in all the rest of the country, and hence this little volume will be of peculiar interest to archaeological students. It is written in a pleasing style and gives the reader a very good idea of the Ohio mounds. The author hopes soon to produce another volume dealing with the lowland enclosures, mounds, and village sites of his State.

## ACTIVITIES

The Minnesota Historical Society has recently distributed volumes twelve and thirteen of its *Collections*.

The Mississippi Historical Society has recently published the *Proceedings* of the Mississippi Association of History Teachers, a new auxiliary organization under the auspices of the Society. Volume ten of the *Publications* of the Society is now in press.

The Kentucky State Historical Society now occupies quarters in the new capitol at Frankfort. During the past quarter the Society's activities have been mainly along the line of organizing county historical societies and of marking historic sites in the city of Frankfort.

Among the manuscript collections of the Chicago Historical Society is the Diary of James K. Polk, which in the manuscript consists of more than a score of volumes. The Society is planning its publication in the near future. The editor will be Professor Charles W. Mann.

At a meeting of the Pottawattamie County Historical Society at the city library in Council Bluffs, on Saturday, November 28, Judge Horace E. Deemer delivered an address on *The Influence of Iowa Men in the Organization of Nebraska*. At this time also there was presented to the Society a book containing the record of the organization in Pottawattamie County of a patriotic society of the early sixties known as the "Union League of America."

The Buffalo Historical Society has acquired a large collection of original letters, being the correspondence received by Millard Fillmore while Vice President and President of the United States. These letters, gathered in forty-five volumes, have for many years been supposed to have been destroyed, but lately were found in the garret of a house in Buffalo, which was being dismantled. The papers had been preserved by their late owner, the last surviving executor of the will of Millard Powers Fillmore, the President's son. The collection includes nearly three hundred and fifty letters from Daniel Webster, many of which have never been published; letters

from the members of Fillmore's cabinet; and others from many of the prominent men and women of his day, such as Edward Everett, Henry Clay, Lewis Cass, Louis Kossuth, President Arista of Mexico, Mrs. James K. Polk, and scores of others.

An interesting manuscript recently acquired by the Kansas State Historical Society is the memoirs of Dr. Alexander William Reese, of Warrensburg, Missouri. This manuscript, which occupies two volumes with a total of nine hundred pages, relates the experiences of the writer in Missouri from 1855 to 1866, and tells of conditions during the territorial troubles with Kansas and during the War. The thirty-third annual meeting of the Society was held December 1, 1908, and ex-Governor George W. Glick was elected President for the year 1909.

Organized in 1897, The Texas State Historical Association has for ten years been making a heroic struggle against the disadvantages of inadequate financial support. The Association, which is closely connected with the School of History of the University of Texas, now has a membership of nearly sixteen hundred, but receives no aid from the State, its main income being from membership dues. The high grade of work being done under these adverse conditions is evidence of the immensely greater service which the Association would render if supported as such an institution should be.

The Montana Historical and Miscellaneous Library is endeavoring in a most praiseworthy manner to make itself of service to the citizens of the State, especially in an educational way. Circular letters have been sent to the colleges and public schools throughout the State, urging the teaching of State history and offering to loan material to aid in making this work possible, and also offering to loan material pertinent to the question being debated in the Montana High School Debating League. Still more significant is the work which the Library is planning to do as a Legislative Reference Department. Circular letters have been sent to all the members of the State legislature calling their attention to the fact that the Library desires to aid the legislators by furnishing all available

information, both historical and current, not only on the great questions of legislation in which all are interested, but also on any special subject which is of interest to any individual legislator.

The State Historical Society of Wisconsin has recently spent about eleven thousand dollars for improvements in the way of increasing its storage and office capacity in the catalogue, newspaper, and manuscript departments. New shelving, catalogue cases, drawers, lockers, and other modern conveniences have been installed in these departments. The ethnographical material in the museum is being reclassified and relabeled according to modern methods. The Society has in preparation volume nineteen of its *Collections*, a new volume of Draper manuscripts, and the *Proceedings* of the Society for 1908. The annual meeting was held October 15, and, with a few exceptions, no changes were made in the official staff.

#### THE STATE HISTORICAL SOCIETY OF IOWA

At a meeting of the Board of Curators on Wednesday evening, January 6, Mr. John E. Brindley was elected to the position of Research Assistant in The State Historical Society of Iowa.

Professor F. H. Garver, of Morningside College, and a member of The State Historical Society of Iowa, read a paper on the *Story of Sergeant Charles Floyd*, at the meeting of the Mississippi Valley Historical Association at Richmond, Virginia, on December 30.

Mr. John E. Brindley, of the State Agricultural College at Ames, who has for some time been engaged in research work for the Society, of which he is a member, has been appointed Legislative Reference Assistant to the Curator of the Historical Department of Iowa.

Much interest was manifested in Mr. Curtis's fine collection of photographs of North American Indians on exhibition in the rooms of the Society during the months of October and November. The photographs were arranged according to subject, and a catalogue was printed for the convenience of visitors.

The Society has recently issued four neat folders describing its nature, purposes and activities. One folder contains a list of the



members of the Society; another describes and enumerates the publications; a third deals with research in the Society; while the fourth is a description of the library.

Mr. W. O. Hart, of the New Orleans bar, and a member of The State Historical Society of Iowa, is the author of a pamphlet called *Fragments of Louisiana Jurisprudence*. It consists of a number of lectures delivered by Mr. Hart in 1907 in the law college of the State University of Louisiana.

The biography of *Augustus Caesar Dodge*, by Louis Pelzer, was distributed early in December. This is the third volume to appear in the *Iowa Biographical Series* and is a book of three hundred and sixty-nine pages. Augustus Caesar Dodge served the people of the Territory of Iowa as Delegate to Congress; he was Iowa's first Senator; and he represented the United States as Minister to Spain. Hence Mr. Pelzer's volume is a valuable contribution, not only to Iowa history, but to the diplomatic history of the Nation as well.

On Thursday evening, December 3, Mr. Irving B. Richman delivered an address on *Some Researches in California History*, before the members of The State Historical Society of Iowa and their friends, in the auditorium of the Hall of Liberal Arts. Mr. Richman, who is a Curator of the Society, has been engaged for some time in gathering material for a history of California, and he told in an entertaining manner of his experiences, and of some of the romantic episodes in the history of this interesting State. Preceding the address a dinner was given at the Burkley Imperial Hotel in honor of Mr. and Mrs. Richman and other guests of the Society. At this time brief remarks were made by Governor Garst, Mr. Richman, President A. B. Storms of the State Agricultural College, and President Charles E. Shelton of Simpson College.

The following persons have recently been elected to membership: Mr. Paul A. Korab, Iowa City, Iowa; Judge Horace M. Towner, Corning, Iowa; Mr. E. B. Limpus, Iowa City, Iowa; Mr. J. G. Henry, Des Moines, Iowa; Professor Bohumil Shimek, Iowa City, Iowa; Mr. C. B. Robbins, Cedar Rapids, Iowa; Mr. Willard J. Welch, Iowa City, Iowa; Mr. T. Will Runkle, Cedar Rapids, Iowa; Mr. O.

A. Byington, Iowa City, Iowa; Mr. Clifford Powell, Red Oak, Iowa; Miss Edna Stone, Logan, Iowa; Mr. John Springer, Iowa City, Iowa; Mr. J. L. Gillin, Iowa City, Iowa; Hon. W. L. Harding, Sioux City, Iowa; Hon. J. A. White, South Amana, Iowa; Hon. G. W. Clarke, Adel, Iowa; Mr. Chas. J. Deacon, Cedar Rapids, Iowa; Mr. Kenneth Colgrove, Cedar Falls, Iowa; Miss Gertrude Branson, Iowa City, Iowa; Hon. A. F. Dawson, Preston, Iowa; Mr. C. F. Clark, Cedar Rapids, Iowa; Hon. C. G. Saunders, Council Bluffs, Iowa; Hon. Frederic Larrabee, Fort Dodge, Iowa; Mr. Lowell Chamberlain, Des Moines, Iowa; Hon. A. B. Cummins, Des Moines, Iowa; Hon. Robert Hunter, Sioux City, Iowa; Mr. Wesley Martin, Webster City, Iowa; and Hon. A. C. Savage, Adair, Iowa.

## NOTES AND COMMENT

The seventeenth annual meeting of the Iowa Library Association was held at Cedar Rapids, October 20-22.

Dr. Karl F. Geiser, formerly of the Iowa State Normal School, is now Professor of Political Science in Oberlin College.

The American Historical Association, the American Political Science Association and the Bibliographical Society of America all held their annual meetings at Washington, D. C., and Richmond, Virginia, December 28-31. On December 30, the Mississippi Valley Historical Association held its semi-annual meeting at Richmond.

An international congress of administrative sciences will be held at Brussels, Belgium, in 1910 during the International Exhibition in that city. The purpose of this congress is to bring together from all over the world those interested in both the theory and practice of the administration of government in all its branches. It is expected that the proceedings will be published in a series of volumes.

On November 5 and 6 there was held at Iowa City a joint meeting of the Iowa Society of the Archaeological Institute of America, the Iowa Anthropological Society, and the Iowa Branch of the American Folk-Lore Society. The principal addresses were by Professor Oscar Montelius, the Curator of the Royal Museum of Antiquities in Stockholm, Sweden, and Professor Frank B. Tarbell, of the University of Chicago.

A thorough investigation of the management of farms in Iowa is soon to be begun by Professor M. E. McCulloch, formerly of the State Agricultural College, under the direction of the United States Department of Agriculture. Before taking up a more intensive study, Mr. McCulloch will gather information concerning the agricultural history of the State, its climatic and physical features, the acreage and yields of the various crops, facilities for marketing and prices received. After this preliminary general work is accom-

plished, he will take up a careful study of the types of farming that prevail in the various sections of the State with reference to the adaptability to local conditions, their effect on the fertility of the soil and on the standard of living of the farmer. Detailed investigations will be made of the management of farms which seem especially successful, and the results will be published. The work will be one of great magnitude and will doubtless do much to promote intelligent and scientific farming in this State.

GEORGE C. DUFFIELD

On September 4, 1908, George C. Duffield, a prominent Iowa pioneer, passed away at his home near Keosauqua, Iowa. Mr. Duffield was born in Ohio in 1824, and came to Iowa with his parents in 1837 and located in Van Buren County. He served with the Third Iowa Cavalry during the early part of the War for the Union. He attended the first Republican convention held in Van Buren County, and was a delegate to the first Republican State Convention at Iowa City in 1856. He was a worthy type of the men who built and developed Iowa.

JOHN W. JAYNE

John W. Jayne, one of the oldest residents of Johnson County and a member of The State Historical Society of Iowa, passed away at his home in Lone Tree on July 26, 1908. Mr. Jayne was born in Pennsylvania on January 28, 1820, and came to Iowa during the fifties, first settling in Muscatine County. When the war broke out he enlisted in Company B of the 8th Iowa Infantry and served during the early years of the war. Most of his life since that time was spent on his farm or in business at Lone Tree. He was a member of the first Republican State Convention held in Iowa, and although he never held any important office, he always took an active interest in politics. He collected a large private library and was a man who read widely. Mr. Jayne retained his physical and mental vigor to a remarkable extent even to the date of his death.



## WILLIAM BOYD ALLISON

William Boyd Allison, Iowa's veteran and beloved Senator, passed away at his home in Dubuque on Tuesday, August 4, 1908. The end came quite suddenly and without warning except to those nearest to the Senator in the last few months when his health failed rapidly.

Senator Allison was born in Wayne County, Ohio, on March 2, 1829. He was educated at Wooster Academy in Pennsylvania and at Western Reserve College in Ohio. For some time after completing his college work he practiced law in Ohio, and in 1854 he married Miss Anna Carter who died in 1860. In 1857 he removed to Dubuque, Iowa, where he immediately began to take a prominent part in affairs. He was a member of the Republican State Convention in 1859, and in 1860 was a delegate to the National Republican Convention which nominated Lincoln. Governor Kirkwood chose him as a member of his staff in 1861 to aid in raising regiments during the early years of the War for the Union. In 1862 he was elected to Congress from Iowa and until 1871 on various committees and on the floor of the House he helped to tide the Nation over the perils of war and reconstruction. In 1872 he was elected to succeed James Harlan in the United States Senate, in which body he served the people of Iowa continuously until the date of his death. He married Miss Mary Neally in 1873, but in 1883 he suffered his second great bereavement.

In the House of Representatives William Boyd Allison's career began on the same day as that of James Garfield and James G. Blaine, and he was one of the last survivors of that group of statesmen who were the trusted counsellors of Presidents during the War and the troublesome years that followed. His experience in the House of Representatives gave him a preparation and a standing which enabled him to assume a leading position in the Senate almost from the beginning. For thirty years he was a member of the Senate Committee on Finance, and for twenty-five years he served as chairman of the Committee on Appropriations. His leadership was especially pronounced in all problems of finance, revenue, or the tariff. Senator Allison possessed the friendship and

confidence of every Republican chief executive from Lincoln to Roosevelt, and was several times offered desirable positions in the Cabinet, but he preferred his post of power and influence in the Senate. He had ardent friends and admirers among the leaders of both parties, and had but few enemies.

In private life as well as in his public career Senator Allison was rigidly honest and upright. His home life and his devotion to his invalid wife are described as beautiful by those who enjoyed the close personal friendship of the Senator. Both as a private citizen and as a public servant William Boyd Allison's influence will long be felt among the people of the State and Nation which he served so well for so many years of his life.

## CONTRIBUTORS

FRANK HARMON GARVER, Professor of History and Politics in Morningside College. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for July, 1908, p. 500.)

JOHN E. BRINDLEY, Research Assistant in The State Historical Society of Iowa and Legislative Reference Assistant to the Curator of the Historical Department of Iowa. Assistant Professor of Political Economy in the State Agricultural College at Ames, 1907-1908. Born at Boscobel, Wisconsin, 1878. Graduated from the State University of Wisconsin, 1902. Instructor in Political Economy in the University of Oregon, 1907.

THE IOWA JOURNAL OF HISTORY AND POLITICS

APRIL NINETEEN HUNDRED NINE

VOLUME SEVEN NUMBER TWO





## THE HISTORY OF POLITICAL PARTIES IN IOWA FROM 1857 TO 1860.<sup>1</sup>

The relief from a five months' discussion of the Constitution adopted on August 3, 1857, gave a new stimulus to the discussion of events in Kansas. The contest between the "Free State men" and the "Pro-slavery men" was still making that Territory the cynosure of all eyes: pulpit orators found in it sermons; political editors explained, commented, approved, and denounced; the administration of Buchanan was held up to censure and praise, and Stephen A. Douglas was expected to explain his doctrine of popular sovereignty and to reconcile its operation in Kansas with the Dred Scott Decision of March 6, 1857.

About forty counties sent delegates to the Republican State Convention which was called to order by William Penn Clarke at Iowa City in the forenoon of August 19, 1857. Committees on organization, credentials, and resolutions were appointed and the Convention adjourned for the afternoon session. Alfred Sanders was then chosen President and addressed the delegates. On the third ballot Ralph P. Lowe of Lee County—a longtime opponent of the Democracy, was nominated for Governor. Oran Faville of Mitchell County was then nominated for Lieutenant Governor. It was voted to continue the State Central Committee of the previous year.<sup>2</sup>

J. Teesdale of Johnson County reported the platform to the Convention at the evening session. The absorbing issue

<sup>1</sup> For a history of the Democratic party in Iowa for the years 1846 to 1857 see THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 2, pp. 163-246.

<sup>2</sup> Namely, Samuel J. Kirkwood, W. Penn Clarke, Henry O'Connor, George D. Woodin, and Hiram Price.

they thought was the question whether freedom should be limited to the free States or slavery to the slave States. The Dred Scott Decision was pronounced as the "last and most alarming of those bold innovations upon the rights of the Free States, which have marked the Administration of the Government for years past, as *sectional* and disloyal to the spirit of our Free Institutions." With unmistakable emphasis they demanded that "all National Territory shall be free."

Governor Grimes's administration was warmly indorsed, and the people of Iowa were felicitated upon the adoption of the new Constitution. It was the deliberate conviction of the Convention that the legislature should provide a banking system for the State and it was voted to support only such men as were favorable to such a policy. The Convention listened to the usual speeches from the nominees and other leaders; and the applause and cheers were then terminated by the adjournment.<sup>3</sup>

A reminder of former political power and persecution appeared in the meeting of the Know-Nothing party in State Convention at Iowa City on September 2, 1857. Davis, Washington, Johnson, and Muscatine counties sent delegates to the meeting of this much hated political organization. A platform was adopted, and J. F. Henry of Des Moines County was nominated for Governor and Easton Morris for Lieutenant Governor.<sup>4</sup>

"The Republican party in Iowa is dead, and in October next the people of Iowa will bury it", commented William Porter, a democratic editor, a few days later. The election returns of August he believed showed Iowa to be Democratic; and with equally defective prophecy he wrote: "The

<sup>3</sup> Full proceedings of this convention are to be found in *The Iowa Weekly Citizen*, Vol. II, No. 28, August 26, 1857.

<sup>4</sup> *The Dubuque Daily Times*, Vol. I, No. 73, September 7, 1857.

last act of the Kansas political drama has been played out, with its curious mixture of tragedy, comedy and farce, and the authors and actors in this brief drama have played out their respective parts, and are now by the voice of the people passed off the political stage.”<sup>5</sup>

For months the Republican journals of Iowa had found political ammunition in the utterances of Atchison, Keitt, and Stringfellow<sup>6</sup> and had used it against the course of the administration in Kansas. The *Daily Iowa State Gazette*, however, disowned their acts and utterances, declaring them to be professional agitators, and enemies to the administration and to the Union. They had no indorsement from Buchanan, and the printing of their letters in Republican journals had expatriated them from the ranks of the Democratic party. Republicans, warned the editor, falsified history when they quoted the utterances of these men as the principles of the Democratic party.<sup>7</sup>

Enoch W. Eastman called to order the Democratic State Convention assembled at Iowa City on August 26, 1857.<sup>8</sup> Nearly forty counties sent delegates, among whom twenty-four, headed by ex-Governor Hempstead, came from Dubuque County — the Gibraltar of the Iowa Democracy. The

<sup>5</sup> *The Iowa State Journal*, Vol. I, No. 28, August 22, 1857.

<sup>6</sup> David R. Atchison was a Kentuckian by birth who sat in the Missouri legislature from 1833-1834. From 1843 until 1855 he was a Senator from Missouri. He was prominent in the legislation for the Territories of Kansas and Nebraska and was a pro-slavery leader in the Kansas difficulties in 1856-1857. Lawrence Massillon Keitt was born in South Carolina in 1824 and in 1848 became a member of the Legislature of that State. Two years later he was elected to Congress as a state-rights Democrat and served until 1860. He was one of the extreme pro-slavery men in Congress.

Benjamin F. and John H. Stringfellow were two responsible leaders of the pro-slavery forces in Kansas Territory. The latter was editor of the *Squatter Sovereign*, a violent pro-slavery organ.

<sup>7</sup> *Daily Iowa State Gazette*, Vol. III, No. 42, August 21, 1857.

<sup>8</sup> For the proceedings of this convention see the *Daily Iowa State Gazette*, Vol. III, No. 51, September 1, 1857.



forenoon session appointed the various committees and in the afternoon James B. Thomas of Buchanan County was elected to preside over the Convention. Seven ballots were taken for Governor, resulting in votes for Charles Mason, Enoch W. Eastman, Shepherd Leffler, James Grant and others. On the eighth ballot, Ben M. Samuels received 138 votes and was declared the nominee of the party. On the tenth ballot George Gillaspy of Wapello County was nominated for Lieutenant Governor by 142 votes.

A lukewarm platform emanated from the committee on resolutions which wished to avoid bringing into contrast the doctrine of popular sovereignty and the conduct of the administration in Kansas. Confidence in Buchanan's administration was expressed, the "Black Republicans" of the North and the "Fire eaters" of the South were equally condemned, and obedience to the laws of Congress and the decisions of the Supreme Court was insisted upon. A discreet silence was maintained upon the spirit of anarchy which was then stalking about on the plains of Kansas.

In the act of striking the word "white" from the new Constitution, the Convention discerned "the design and purpose of abolitionizing the people of this State" and recognized in the Constitution many features that were "anti-democratic, unjust, and containing principles that tend to subvert the distinction between the white and black races." The last resolution eulogized the public services of Senator George W. Jones and Representative Augustus Hall, the Democratic members of Congress from Iowa.

About seven weeks remained for the parties to wage their campaigns for the third election of this year which was to fall on October 13, 1857. Besides the two State offices a new legislature was to be elected in which the Republicans hoped to dislodge from power Senator George Wallace Jones, one of the charter members of the Iowa Democracy.

The elixir of Federal patronage from Buchanan still acted as a cohesive and active force among a large portion of the Democracy of Iowa. Their receding fortunes, however, were apparent. "We pity the historian", wrote a Republican, "who may hereafter attempt a delineation of national Democracy of 1857. If he has all the genius of Prescott, Rollin, Hume, or MaCaulay, he will fail to give the world an adequate conception of a party which is composed of all the inconsistencies that have been gathered up since the flood of father Noah."<sup>9</sup>

Various provisions of the new Constitution and affairs in Kansas furnished the materials for discussion in this campaign. *The Iowa Weekly Citizen*, unwilling to see a Republican triumph in the adoption of the Constitution, nevertheless was willing to repel all Democratic onslaughts upon it. "We proclaim it in our streets," asserted Editor W. H. Farner, "and from our housetops, and from our inmost hearts, that the new Constitution of Iowa, sanctioned by the vote of the people, and fully upheld and vindicated by popular sentiment, is every way worthy of the party whose votes had power to rule the Convention which created it."<sup>10</sup>

The main prop of the Democracy, ran the Republican argument, is the accusation that Republicans are trying to efface the difference between blacks and whites. Dark pictures of the effects of coeducation of the two races, and of allowing negroes to testify in court, were painted by Democratic editors. Denials and explanations came back from the other side, with the assertion that no man because his skin was red or black should be dispossessed of the common rights of humanity.<sup>11</sup>

<sup>9</sup> W. H. Farner in *The Iowa Weekly Citizen*, Vol. II, No. 37, October 28, 1857.

<sup>10</sup> *The Iowa Weekly Citizen*, Vol. II, No. 29, September 2, 1857.

<sup>11</sup> *The Iowa Weekly Citizen*, Vol. II, No. 33, September 30, 1857.

The prospective passage of a banking law caused a discussion of the financial policy of each party. W. H. Farner's indictments against the Democrats declared that "They have retarded our development, paralyzed our energies, permitted our State to be overwhelmed with shinplasterism and a foreign currency, crippled internal improvements." <sup>12</sup> A conservative Democratic view was expressed by *The Iowa State Journal* which opposed *wild-cat* banking but not banks in general. "The democracy of Iowa are willing to have a sound banking law, if such a thing be possible, submitted to the people, for them to decide the question. They ask for and will always demand a system which will protect the bill holder and prevent fraud upon the part of the Bank." <sup>13</sup>

Disquieting news from Kansas, added to the checkered history of the Democrats in that Territory, continued to darken the political horizon for the Democratic party. "Bleeding Kansas", deplored the editors of Democratic journals, formed the only topic upon which Republicans could write and talk; furthermore, the "Black Republicans" were persistently dragging the question of slavery into the national arena and loudly proclaiming that the Democracy was attempting to make slavery national. "The question of slavery has no part in the canvass whatever", vainly remonstrated a Burlington Democrat. "The election of United States Senator is an after consideration; and the voters of Iowa are about to decide as to the affairs of their own state, and not those of Kansas. . . . A few years of Black Republican misrule and legislation have made it necessary for the people of this State to turn their attention directly to home affairs." <sup>14</sup>

<sup>12</sup> *The Iowa Weekly Citizen*, Vol. II, No. 30, September 9, 1857.

<sup>13</sup> *The Iowa State Journal*, Vol. I, No. 34, October 3, 1857.

<sup>14</sup> *Daily Iowa State Gazette*, Vol. III, No. 57, September 8, 1857.



Meanwhile Lowe, Samuels, Faville, and Gillaspy had been presenting the issues from the stump, and county conventions were passing resolutions and nominating candidates. The canvass was not animated and the debates lacked the instructiveness of former contests. Samuels, declaring himself an anti-bank man, insisted that the banking law be submitted to the people for ratification. Lowe, arguing that the financial condition of the times was out of joint, maintained that the Democrats who had opposed the Constitution, were incompetent to legislate under it. The personal and the legislative careers of the candidates were also paraded through the columns of partisan journals: Lowe was charged with being a spiritualist and with having formerly consorted with the Know-Nothings of Keokuk. It was whispered that Samuels did not send his children to school where they might mingle with blacks; and an Iowa City editor denounced his speeches as a libel on Christianity. Gillaspy's business success aroused Republican warnings; while another Democratic editor made merry over the former love affairs of Oran Faville.

Defeat met the Democrats on October 13, 1857. Of 75,592 votes cast, Lowe secured 38,498; while the Know-Nothing candidate polled 1,006. Faville was elected Lieutenant Governor with a vote of 37,633, while the Democratic candidate received 35,310, and Eastin Morris, the Know-Nothing candidate 1,010.<sup>15</sup> "Traitors in Camp", was a post election comment from the *Maquoketa Sentinel*, which charged that such Democrats as H. W. Starr, W. F. Coolbaugh, General Morgan, and Edward Johnstone—the "Ft. Madison Clique"—had opposed the election of Samuels.<sup>16</sup> Disaster had also entered the Democratic citadel of Dubuque where

<sup>15</sup> *The Iowa Weekly Citizen*, Vol. II, No. 49, January 20, 1858.

<sup>16</sup> Reprinted from the *Maquoketa Sentinel* in *The Iowa State Journal*, Vol. I, No. 40, November 14, 1857.



there had been a war between Montagues and Capulets — headed respectively by Senator George W. Jones and Judge Thomas S. Wilson — which had opened this stronghold to Republican ingress. *The Dubuque Daily Times* was diligent in feeding the flames of this discord and facetiously prophesied that these warring clans would finally devour each other like the Kilkenny cats.<sup>17</sup>

In the increased gains in the elections to the legislature the Republicans foresaw a new Republican Senator from Iowa and the political exit of Senator George W. Jones. "The prospect for a glorious *black* republican scramble for office at the sitting of the Legislature is good, and we expect some fun", commented the *Daily Iowa State Gazette*.<sup>18</sup> F. E. Bissel, James Thorington, ex-Governor Grimes, and others were being groomed for the senatorial race by the Republicans.<sup>19</sup> From Dubuque came a demand that the Senator be chosen from the northern part of the State because the southern section was already represented by Senator Harlan. A western journal insisted that he be a Republican with talents, knowledge of the West, and zeal in behalf of Freedom — "he is the man above all others", continued editor Charles Aldrich, "and we care not whether he hails from Lee or Buncombe County."<sup>20</sup> To the Democrats this competition among Republican senatorial aspirants afforded much satisfaction until the more conservative Republicans counselled harmony and urged vigilance against the opposition.

Immediately after the State election of October 13 events of profound moral and political significance were taking

<sup>17</sup> *The Dubuque Daily Times*, Vol. I, No. 77, September 11, 1857; Vol. I, No. 79, September 14, 1857.

<sup>18</sup> *Daily Iowa State Gazette*, Vol. III, No. 113, November 11, 1857.

<sup>19</sup> *Daily Iowa State Gazette*, Vol. III, No. 131, December 3, 1857.

<sup>20</sup> *Hamilton Freeman*, Vol. I, No. 20, November 26, 1857.

place in Kansas. The contest there between freedom and slavery found a vibrant note among the freemen of Iowa which rose to high pitch as the contest drifted to Washington. A pro-slavery constitutional convention met at Lecompton on October 19, 1857, in an atmosphere surcharged with rumors, threats, and portents. An intensely pro-slavery convention was to form a constitution for an intensely anti-slavery community. This body adjourning on November 7, 1857, produced the Lecompton Constitution — an instrument immortalized by its own infamy. In a subtle attempt to legislate slavery into the State and to preserve the letter and spirit of the Kansas-Nebraska Act, a bogus submission was provided for at the election to be held on December 21, 1857. The people were required to vote for the Lecompton Constitution with slavery as a permanent institution, or that instrument without slavery as a permanent institution, but containing a guarantee of the slave property then in the Territory. "Kansas is a great country", remarked an Iowa editor. "Thermometer over 100; excitement over 10,000; justice below zero."<sup>21</sup>

A storm of wrath and protest now burst forth from the Republicans of Iowa. Feeling a sponsorship for justice to the suffering Territory, Senator Stephen A. Douglas was profoundly affected by the course of events in Kansas. On December 9, 1857, he took up arms against the administration for its attempt to force upon Kansas the Lecompton Constitution. "We are glad", said one editor, "that his life has been relieved by one bright spot upon its surface. . . . Douglas and his companions in tribulation by expressing themselves dissatisfied with the Kansas Conventionists, have in part simply transferred their influence to the Republican sentiment of the country."<sup>22</sup>

<sup>21</sup> *The Fairfield Ledger*, Vol. VII, No. 44, October 29, 1857.

<sup>22</sup> *The Iowa Weekly Citizen*, Vol. II, No. 43, December 9, 1857.

Douglas's revolt from the administration now secured the admission of his speeches in Republican journals which regarded them as the highest condemnation of the administration's course in Kansas. His defense of Governor Walker was applauded, a chorus of editorial comment burst forth, suspicions of a heated quarrel between the President and the "Little Giant" were reported, and many Republicans of Iowa found in Douglas's course a dire prophecy for the future of the Democracy.

But even the Democracy of Iowa recoiled at the course of the Lecompton Convention. From *The Iowa State Journal* came a demand for a fair and honest application of the principle of Territorial government; the difference in the Democratic party, it insisted, arose only as to the *practical* method of carrying out the principles of the Kansas-Nebraska Bill. "Senator Douglas, the author of the bill," explained the editor, "together with many tried and true Democrats, backed by an almost universal sentiment in the North, say that the Convention has *not* fairly carried out this principle, and hence oppose the reception of the Lecompton Constitution. Others have for various reasons decided that it would be best to receive this Constitution, and then let the people of Kansas hereafter change or remodel the instrument. This is the ground of difference." The writer concluded by proposing another election by the *bona fide* residents of the Territory.<sup>23</sup>

Severe financial depression marked the close of the year 1857. "Banks and bankers, merchants and manufacturers, traders and speculators, are tumbling to the ground, suspending, assigning, failing, breaking, and showing forth in every conceivable manner, the different signals of commercial distress. . . . 'Hard times and no money' is the

<sup>23</sup> *Iowa State Journal*, Vol. I, No. 46, December 26, 1857.



word all over the country.”<sup>24</sup> For over two decades the State had leaned wholly upon other States and foreign corporations for its currency. In 1857 Bentonsport had issued \$5,500 of scrip and in the following January authorized the issue of \$5,000 more. A tax of \$3,000 was levied for its redemption and the entire corporation became liable. An issue of \$2,000 in one dollar notes payable on demand was made by the “Davenport Gas and Coke Company” and Burlington, Iowa City, and other towns issued scrip which passed as currency in business circles.<sup>25</sup> Thus it was clear that an urgent need of financial legislation confronted the new Republican administration of Iowa.

To the political annalist the public events and discussions of 1858 in the State of Iowa bear much meaning and interest. The great religious revival of the time among all classes infused the moral element into the great political discussions. By this year the leaven of abolitionism had raised the Republican party into a dominating agency with a definite mission. Douglas’s revolt from the course of the administration operates as the dividing wedge among the Iowa Democracy. More united than ever before sounds Iowa’s protest against Buchanan’s course in Kansas. The Lincoln-Douglas debates find a responsive chord among Republicans and Democrats of Iowa, and not a little does the high character of the legislature of this year contribute to the political events of Iowa fifty years ago.

Governor Grimes’s last message<sup>26</sup> of January 12, 1858, to the legislature was a fitting chart to guide the future of the party whose inception and birth he had witnessed and en-

<sup>24</sup> *The Iowa State Journal*, Vol. I, No. 37, October 24, 1857.

<sup>25</sup> *The Iowa State Journal*, Vol. I, No. 38, October 31, 1857.

<sup>26</sup> The full text of this message is to be found in Shambaugh’s *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 40-70.



couraged, and whose growth to stalwart power he himself had fostered. State affairs he discusses with a masterly hand. The Dred Scott Decision he regards as "revolutionary in its character", "extra-judicial", and "subversive of the policy of the founders of the republic". "It cannot bind the conscience, or command the obedience of any man."

Blow after blow is dealt at the administration's course in Kansas. "The attempt is made to subvert every principle of popular government, by fastening this Constitution [the Lecompton] upon the people without their consent. . . . They are not permitted to settle for themselves any of the important questions connected with their judiciary, representation, taxation, internal improvements, education, finance, State indebtedness, or personal rights." And as the champions of popular government everywhere the people of Kansas are deserving of the sympathy of all freemen of Iowa. Governor Lowe on the next day re-echoed and emphasized the views of his distinguished predecessor.<sup>27</sup>

To elect a successor to Senator George W. Jones was the first wish of the Republican majority of the Seventh General Assembly of Iowa. Rival candidates from rival sections threatened, as the contest grew warmer, to endanger the cohesiveness among the Republicans. But, urged *The Iowa Weekly Citizen*, while no man's candidacy should be disparaged, only evil can result from a too zealous discussion of the senatorship. "Our political opponents", continued the editor, "are for prolonging this Senatorial contest, with the hope that they may reap benefit from such delay, by additional complications and embittered feelings."<sup>28</sup> On January 26, 1858, the joint convention assem-

<sup>27</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 131-134.

<sup>28</sup> *The Iowa Weekly Citizen*, Vol. II, No. 49, January 20, 1858.

bled, and on that day ex-Governor Grimes was elected United States Senator by a majority of twenty-three votes over Ben M. Samuels who received forty-one votes.<sup>29</sup> Thus, during the first four years of its history, the Republican party of Iowa captured both the United States senatorships.

An ever-present trouble upon the political waters were the affairs in Kansas Territory. Early in January, 1858, a meeting of Democrats at Mount Pleasant led by Henry Clay Dean and B. J. Hall indorsed the administration of Governor Robert J. Walker of Kansas as well as the course of Douglas. "We now repudiate the baseborn abortion of fraud and perjury — the Lecompton Constitution," declared one of their resolutions. To impose this odious instrument upon the people of Kansas without their consent, they regarded as an outrage upon the spirit of American institutions.<sup>30</sup> A similar meeting at Keokuk on January 9, 1858, commended Douglas, the Cincinnati platform and even President Buchanan, although the meeting demanded a free and honest application of the principle of self-government.<sup>31</sup>

Self-government, insisted a strong Democratic journal, is the cementing principle of the Democratic party, while the Republicans are rejoicing, as under their influence Kansas is again made to bleed on paper. In trying to effect a schism among Democratic ranks, complained its editor, the Republicans "are hopping about, first here and then there — now assailing the Administration, then complimenting Douglas, then cursing him, and anon howling away at the Democracy and the press, at the North and at the South."<sup>32</sup> The *Dubuque Express and Herald* blamed President Buch-

<sup>29</sup> *Senate Journal*, 1858, pp. 119, 120. Mr. Grimes was elected to serve for six years from and after March 4, 1859.

<sup>30</sup> *Daily Iowa State Gazette*, Vol. III, No. 157, January 5, 1858.

<sup>31</sup> *Daily Iowa State Gazette*, Vol. III, No. 165, January 14, 1858.

<sup>32</sup> *Daily Iowa State Gazette*, Vol. III, No. 159, January 7, 1858.

anan alone for the Lecompton swindle and was diligent in flaying the Republicans who were foisting upon Democratic shoulders the blame for the affairs in Kansas.

For some time a political storm had been gathering in the legislature at Des Moines. During January the Republicans of both houses were arrayed against the Democratic minorities on the subject of admitting Kansas into the Union. On January 23, 1858, Governor Lowe approved a joint resolution of instruction to the Senators and of request to the Representatives from Iowa to oppose the admission of Kansas with the Lecompton Constitution. The President and all others favoring the Lecompton instrument were condemned and one resolution even requested the Senators from Iowa to resign if they could not obey the legislature's instructions.<sup>33</sup>

Two days later the voice of Senator Harlan from Iowa was proclaiming the irreconcilable differences between the doctrine of Senator Douglas and the President's administration in Kansas. With his moral earnestness he pleaded for the sovereign rights of the Kansans and exposed the political wrongs which he declared had been enforced by Federal bayonets. "The people of Kansas have been compelled to submit to laws which they never made, and to officers whom they never elected."<sup>34</sup>

"I present these resolutions as a matter of respect to the State Legislature of Iowa", explained Senator George W. Jones on February 4, 1858, as he presented to the Senate the Kansas resolutions of January 23, 1858. The curly haired Senator quickly added, however, that he entertained not the remotest idea that he would obey these instructions and again expressed his intention to vote for Kansas with

<sup>33</sup> These resolutions are to be found in the *Congressional Globe*, 1st Session 35th Congress, p. 566.

<sup>34</sup> *Congressional Globe*, 1st Session, 35th Congress, pp. 381-386.



the Lecompton Constitution. Furthermore, the lofty belief was expressed that the people of Iowa would favor the Lecompton Constitution if only they understood it as he did!<sup>35</sup> The career of this pseudo-statesman was, however, soon to be ended and even his own party was unwilling to do him reverence for his views on the Lecompton Constitution when it nominated in his stead Ben M. Samuels. "Alas poor Jones!" sarcastically paraphrased a Republican editor. "Had he served his country with half the fidelity, with which he has served his party, he would not now be turned out on the common, like an old horse to munch and die."<sup>36</sup>

Laudation, homage and reverence had been poured out upon the Kansas-Nebraska Bill. It had been regarded as the political alchemy by which the various compromises of the Constitution could be vitalized into some active principle which would allay excitement and give peace to the Union. "The doctrine of Squatter Sovereignty," observed a Republican editor, "as applied to slavery in the Territories, is rapidly working out its own destruction. The mask that has hitherto concealed its repulsive visage has been torn away; and however plausible may have been the defense of its apologists up to the time of the Lecompton Constitution swindle, its speciousness now is incapable of receiving any longer."<sup>37</sup>

From a Democratic editor came the declaration that the legislature of Kansas possessed no further power under

<sup>35</sup> *Congressional Globe*, 1st Session, 35th Congress, p. 566.

<sup>36</sup> J. Teesdale in *The Iowa Weekly Republican*, Vol. II, No. 51, February 1858. "There is but one paper, we believe, in Iowa that stands with Senator Jones on the Lecompton swindle. He represents a wretched and a beggarly minority; and with the prospect of important presidential favors glittering in the perspective, he stands pledged to assist by his vote a fraud more daring and audacious than any other recorded in the history of the Republic."—*The Iowa Weekly Citizen*, Vol. II, No. 52, February 10, 1858.

<sup>37</sup> *The Iowa Weekly Citizen*, Vol. II, No. 51, February 3, 1858.



the Organic Act than to call a constitutional convention. "It was an assumption of power, then, on the part of the convention, when it submitted the question of slavery alone and in the manner it did — an assumption of power unwarranted and in derogation of the organic act." It was the President's duty and power to see that the provisions of the act were *fairly* and *fully* carried out. "That it was *not fairly* and *fully* submitted," admitted the editor, "is too notorious to escape the notice of any one."<sup>38</sup>

Henry Clay Dean, a lifelong prophet of the Democracy, issued in February, 1858, a set of lamentations upon the political ills of his chosen party. "The negro question, with which we have legitimately nothing under the Heavens to do, has cost us two Governors, two United States Senators, four Congressmen, the whole of the Supreme Bench, and Both Houses of the Legislature, for three successive sessions. We have imposed upon us a constitution in which nothing but the negro question was fairly discussed before the people."

"We have buried in this general contention upon the negro question," continued Reverend Dean, "every question of State and National policy. And whilst the Democratic party has been calling off her troops to fight the neighboring battles, and settle the police quarrels of Georgia, Alabama, South Carolina and Mississippi, we have lost every foothold at home. We are without a representation in Congress. We have nothing left us but our party platform and our political integrity."<sup>39</sup>

"The people of Iowa are almost unanimously opposed to the idea of forcing a constitution upon the people of Kansas, Democrats as well as Republicans," observed *The Chi-*

<sup>38</sup> *Daily Iowa State Gazette*, Vol. III, No. 202, February 26, 1858.

<sup>39</sup> Quoted from the *Daily Express and Herald* in *The Dubuque Weekly Times*, Vol. I, No. 34, February 24, 1858.

*Chicago Press*. "They have emphatically spoken their views on the subject through the Legislature. The term of Gen. Jones is near its close, and a gentleman has been chosen as his successor who is known to hold views on the subject in harmony with those of a majority of the people. Under these circumstances, one would suppose that Gen. Jones would pay some regard to the wishes of his constituents. But no — he is too good a democrat for that. He has nothing more to hope from them, but Mr. Buchanan has the power to reward him for misrepresenting the public sentiment of his State."<sup>40</sup>

Upon the Dred Scott Decision the Seventh General Assembly had also been waging a sharp debate. Senators Samuel J. Kirkwood, William Loughridge, John W. Rankin and J. B. Grinnell and Representatives T. W. Jackson, James F. Wilson and E. E. Cooley attacked the doctrines of this famous decision. Strong counsel for it appeared, however, in such Democrats as Senators Henry H. Trimble, W. H. M. Pusey, Jarius E. Neal and Representatives I. C. Curtis, ex-Congressman Lincoln Clark, and D. A. Mahoney.<sup>41</sup>

The joint resolution of March 23, 1858,<sup>42</sup> passed by a strict party vote, is a powerful condemnation of the doctrine announced by Chief Justice Roger B. Taney. It glows from the moral earnestness infused into it by Kirkwood and by Grimes and represents the views of a political party still young in years but mature in its strength. It is a document which well represents the ability and the high moral purpose of those who defended and promulgated the doctrines contained in it.

<sup>40</sup> Printed from *The Chicago Press* in the *Washington Press*, Vol. II, No. 39, February 10, 1858.

<sup>41</sup> Gue's *History of Iowa*, Vol. I, pp. 365, 366.

<sup>42</sup> *Laws of Iowa*, 1858, pp. 432-434.

Three preambles precede the three resolutions of which the first reads: "*Resolved*, that the extra-judicial opinion of the Supreme Court in the case of Dred Scott, is not binding in law or conscience upon the government or people of the United States, and that it is of an import so alarming and dangerous as to demand the instant and emphatic reprobation of every good citizen."

"*Resolved*," reads the final resolution, "That the State of Iowa will not allow slavery within her boundaries, in any form or under any pretext, for any time however short, be the consequences what they may."

No Republican journal was more virulent in its opposition to the Lecompton Constitution than was the *Daily Express and Herald*, a strong Democratic organ at Dubuque, and a bitter opponent of Senator George W. Jones. "The passage of the odious Lecompton Constitution through Congress," wrote this paper on May 2, 1858, "is a triumph of corruption, fraud and treachery, but yet it is a result which now nothing can avert. It is a triumph *over principle* not of principle — it is a success of iniquity over justice. . . . It is a triumph of the Administration over the advocates of pure, sound Democratic principles, but it is a barren triumph — a triumph that will bring down upon the head of the Administration the curses, deep and fervent, of sound national Democrats everywhere — curses for the ruin and division of the party, curses by the suicidal and obstinate policy of the President."<sup>43</sup>

Thus stood the political situation in Iowa when the Republican State Convention assembled at Iowa City on June 17, 1858.<sup>44</sup> Samuel J. Kirkwood called to order the meeting which then appointed the various committees and ad-

<sup>43</sup> *Daily Express and Herald*, Vol. IX, May 2, 1858.

<sup>44</sup> The proceedings of this convention are to be found in the *Iowa Weekly Republican*, Vol. IX, No. 501, June 23, 1858.



journed for the afternoon session. Fitz Henry Warren of Des Moines County was chosen for permanent chairman. For Secretary of State the Convention nominated Elijah Sells of Muscatine County; for Auditor, J. W. Cattell of Cedar County; for Treasurer, John W. Jones of Hardin; for Attorney-General, S. A. Rice of Mahaska County; for Register of the State Land Office, A. B. Miller of Cerro Gordo County; and for Commissioner of Des Moines River Improvement, William C. Drake of Wayne County.

Thirteen resolutions were adopted for the platform at the evening session. Once more denunciation falls upon the 'infamous Lecompton Constitution' and again the administration of Buchanan is held up to censure. The doctrine of the Dred Scott Decision, declares another resolution, 'has no foundation in the Federal Constitution, is at war with the verities of our history, civil and judicial, and is calculated to tolerate the enslaving of our race in all the free States.'

Warm approbation is also expressed of all those who 'opposed with all their might the passage of the Lecompton constitution and the English swindle through Congress,' and they trusted "that among the people there will continue the same strong opposition to the encroachment of the slave power, which they have so gallantly manifested before the nation." Additional censure was voted against the vast financial expenditures of Buchanan's administration, economy in the State's administration was promised, and the Republican delegation in Congress was given warm praise for their advocacy of "true Republican principles."

The following persons were then chosen for the State Central Committee: John A. Kasson and H. M. Hoxie of Polk County, G. H. Jerome of Johnson County, Thos. Beeley of Warren County, N. J. Rusch of Scott County, R. B. Clark of Henry County, and D. M. Cooley of Du-



buque County. On the next day at the same place the Republican Congressional Convention for the second district adopted the platform of the State Convention and nominated William Vandever for Congress.

Ver Planck Van Antwerp presided over the Democratic State Convention assembled at Iowa City on June 24, 1858.<sup>45</sup> There was little contest over nominations and the Democratic ticket as it came from the Convention was as follows: for Secretary of State, Samuel Douglas of Benton County; for Auditor of State, Theodore S. Parvin of Muscatine County; for Treasurer of State, Samuel H. Lorah of Cass County; for Attorney General, James M. Elwood of Polk County; for Commissioner of Des Moines River Improvement, Charles Baldwin of Van Buren County; and for Register of the State Land Office, James M. Reid of Lee County. A committee was chosen to prepare an address to the people of Iowa and a new State Central Committee<sup>46</sup> was appointed.

The platform reported by Ben M. Samuels bears intrinsic evidences of a discordant spirit in the Convention. To be sure the ancient principles of the party are again lauded and the agitation of the slavery question is once more denounced. A vague resolution speaks of the sacredness of judicial tribunals and their decisions, rigid investigation of the State administration is demanded, "extravagant expenditures" of the Republicans are censured, and a promise of reform by the Democrats is pledged in the final resolution. The all absorbing topics in Kansas Territory are ignored.

Dissatisfaction followed upon the echoes of the Conven-

<sup>45</sup> *Daily Iowa State Gazette*, Vol. III, No. 306, June 27, 1858.

<sup>46</sup> J. A. Williamson and D. O. Finch of Polk County, R. H. Sylvester and George Paul of Johnson County, L. W. Babbitt of Pottawattamie County, C. J. Rogers of Scott County, D. F. Gaylord of Wapello County, I. N. Preston of Linn County, and George D. Temple of Jefferson County.

tion and a rump conclave of the Administration men was held. Stilson Hutchins, editor of the *North Iowan* called to order the meeting which then chose Ver Planck Van Antwerp for its chairman. Forty-six rebellious delegates then passed the following resolution which represents the views of the Buchanan wing of the Iowa Democracy: "That we recognize in his Excellency, James Buchanan, a Statesman of ripe judgment and pre-eminent wisdom, who with sympathetic devotion to the great principles of representative Democracy, has thus far conducted the government of our great confederacy with signal ability, and with a just and proper regard for the varied and conflicting interests of States and individuals." To a prophet who was without honor even in his own party they accorded the following resolution of praise: "That the support given by Hon. Geo. W. Jones to the Administration of President Buchanan, meets with our cordial and unqualified approbation." <sup>47</sup>

"Popular Sovereignty" and "State Reform" were the watchwords of this campaign. Joint debates between the congressional candidates were held and in their train followed the usual crop of election prophets. Democrats cried harmony, harmony, but there was no harmony. They recalled that the Republicans had been swept into power by a wave of excitement over the Kansas difficulties; grave dangers were discerned in the Republican policy toward banks; increased expenditures and taxes were charged against Republican misrule; the new Constitution had saddled the executive department with new officers; the judiciary had been tampered with; and promises and pledges came from the Democrats that they would free the State from "Black Republican" misrule.

The defalcation of the late Superintendent of Public In-

<sup>47</sup> *Daily Iowa State Gazette*, Vol. III, No. 308, June 30, 1858.

struction, James D. Eads, was pointed to by the Democrats as an example of Republican corruption. W. H. Farner, in the *Iowa State Journal*, presented a long list of indictments against the Republican administration: a profligate set of officers had increased the State indebtedness, they had been involved in State printing steals, and the Republican legislature had raised official salaries and had covered up corruption.<sup>48</sup>

A Burlington Democrat argued that the Lecompton question was one of expediency rather than principle. The editor disagreed with Senator Jones upon the question but would not upbraid him for his vote upon it. The past services of the Senator were extolled and the editor praised his honest convictions and his conscientious motives. With singular confidence this writer saw no schism in the Democratic party which he regarded as united as the Republican.<sup>49</sup>

Unceasing war was waged by the Republicans upon President Buchanan and the Lecompton Constitution. They ridiculed the late Convention and commented upon its lukewarm platform. They discerned an ever widening breach in the Democratic party and quoted the utterances of Douglas against Buchanan's policies. Ever confident of success, they nevertheless welcomed new converts from the Democratic camp, and were always ready to proclaim the great mission of the party.

Charles Aldrich also discerned the spectre of Know-Nothingism, declaring that the American party was seeking a union with the Republicans. They wished to secure a division of the spoils, and a few of the more eccentric journals, charged the editor, were aiding and abetting "this little squad of antiquated politicians". They wished to re-

<sup>48</sup> Printed in the *Daily Express and Herald*, Vol. IX, October 1, 1858.

<sup>49</sup> *Daily Iowa State Gazette*, Vol. IV, No. 46, August 28, 1858.



duce the Republican party to their level, but, concluded the editor, "the game of Americanism has been played out."<sup>50</sup>

October 13, 1858, registered another defeat for the Democracy of Iowa. The entire Republican State ticket was elected and Elijah Sells, whose majority led all the rest, was given 49,135 votes for Secretary of State, and his opponent, Samuel Douglas, polled 45,587 votes. In the first congressional district the vote for Congressman stood: Samuel R. Curtis, 23,529, H. H. Trimble, 22,729. In the second district William Vandever, the Republican candidate received 25,503 votes — a majority of 2,739 over William E. Leffingwell, the Democratic candidate.<sup>51</sup>

Not since the existence of the State had a party been so united as was now the Republican. A solid Republican delegation to Congress was now backed by strong Republican majorities in both branches of the General Assembly. A full roster of Republican State officers had been elected by the party that was waxing stronger both in numbers and in purpose. A decade had changed and fixed the political complexion of the State of Iowa.

Meanwhile political events of national interest and importance had been transpiring in Illinois. Abraham Lincoln, a comparatively unknown and untried man, was contending for a seat in the United States Senate against Stephen Arnold Douglas — then the most renowned figure upon the American political stage. The popularity of Douglas in Iowa and his war against Lecomptonism had invested this famous contest with a peculiar interest for the Democracy of Iowa.<sup>52</sup> Said the *Daily Iowa State Ga-*

<sup>50</sup> *Hamilton Freeman*, Vol. I, No. 49, June 24, 1858.

<sup>51</sup> These election returns are taken from the figures found in the *Daily Iowa State Gazette*, Vol. IV, No. 134, December 10, 1858.

<sup>52</sup> For additional extracts from Iowa newspapers for discussions of the Lincoln-Douglas debates see Herriott's *Iowa and the first Nomination of Abraham Lincoln*, in the *Annals of Iowa*, Vol. VIII, No. 6, pp. 452-466.



*zette* on the day of election in Iowa: "From this day to the third day of November every Democrat in Iowa will look forward to the result in Illinois with greater interest than to any result which has transpired within the last quarter of a century! Douglas in triumph will bring freedom and permanency to our institutions."<sup>53</sup>

Resenting the report that the Iowa Democracy were opposed to the election of Douglas, this same journal declared: "The Democracy of this State is almost unanimous in the support of that of Illinois. Let the President, the Cabinet, and the Washington Union understand that we do not war against *men*, but that we are merely obeying the dictates of principles; that we believe that the Democracy of Illinois have a right to select and to elect Mr. Douglas if they choose, and that none outside of a State have a right to prevent them from doing so. The principle of self-government is the same in Illinois as in Kansas or Louisiana." The editor concluded by recommending that the Iowa Democrats encourage the Douglas forces of Illinois by resolutions and mass meetings.<sup>54</sup>

Serious charges were whispered against Senator George W. Jones (whose relations with Douglas were unfriendly) that he secretly hoped that Lincoln would defeat the "Little Giant". The Reverend Henry Clay Dean, however, once more stepped from pulpit to stump to urge the election of the defender of popular sovereignty. On October 20, he addressed the Democrats at Monmouth;<sup>55</sup> on November 1, he spoke at Dunleith. The Dubuque band preceded him, and cheers, torches and processions added life to the meeting. A delegation of Democrats from Dubuque came in a body to encourage their Illinois brethren and for two and one-

<sup>53</sup> *Daily Iowa State Gazette*, Vol. IV, No. 85, October 13, 1858.

<sup>54</sup> *Daily Iowa State Gazette*, Vol. IV, No. 87, October 15, 1858.

<sup>55</sup> *Daily Iowa State Gazette*, Vol. IV, No. 94, October 23, 1858.

half hours Reverend Dean addressed the audience. Throwing off his coat and unloosening his cravat, the speaker plead with pathos, eloquence, invective, and wit for the return of Douglas to the United States Senate.<sup>56</sup>

When the year 1859 opened, the breach in the Democratic party was far from being healed; on the contrary it was ever widening and the prospect of reuniting upon common ground was as remote as ever. Many Democrats feared that these differences if carried into the forthcoming Convention would result in a formal disruption of the organization. These fears elicited an early discussion of the best course to be adopted at the next assembling of the Democracy. The Republican journals, moreover, did not assume the role of a peacemaker for the discordant members of the Democracy or for its conflicting tenets.

Desertions from the Democratic camp were many. On January 12, 1859, Enoch W. Eastman, a longtime captain in the Democracy, issued his edict of renunciation, declaring that the party had forsaken its ancient principles.<sup>57</sup> A warm welcome was extended him by the Republicans, although the *Vinton Eagle* declared: "Now we propose that Enoch be taken into the Republican party on probation." Commending the new convert *The Iowa Citizen* said: "Democrats can be found by the hundreds who are dis-

<sup>56</sup> *Daily Express and Herald*, Vol. X, November 3, 1858.

"Hundreds and thousands of Democrats of Iowa", said this paper on October 21, 1858, "would rejoice if they were in a situation to deal a blow for Douglas, and have felt as they now feel, willing to sacrifice their own State, district and county tickets, if by so doing they could contribute to the triumph of the champion of "popular sovereignty" in his contest against abolitionism and fanaticism. . . . Could the Democracy of Iowa have a voice in the decision of the question, scarcely an individual could be found voting against the man who has so boldly defended and advocated the principles of our party, before the people and before the assembled wisdom of the nation."

<sup>57</sup> *The Iowa Citizen*, Vol. III, No. 49, January 19, 1859.

gusted with the profligacy and corruption of their leaders. They are about ready to leave their political associations and seek a more congenial party.”<sup>58</sup>

In the office of the *Iowa City Reporter* there lurked a fear that the bitter feud over Lecomptonism would be drawn into the Convention and there operate as a disorganizing element. The *Daily Iowa State Gazette* at Burlington wished to drop all discussion of past differences at the altar of harmony. But the views of the *Daily Express and Herald* did not harmonize with these plans for securing harmony. The masses of the people should not be left in the dark as to how the State Convention would treat questions of principle, nor should silence on vital subjects allow the Republicans to mislead the voters as to what is and is not sound Democratic doctrine. “All questions as to the Lecompton Constitution are of the past,” lectured the editor, “and we would not have them revived. But *the doctrine that Constitutions should be submitted to a direct vote of the people for whose government they are framed* contains a vital Democratic principle that is as true to-day as it was in 1856, and will be equally true during all time as it is to-day. The Convention of 1857 unfortunately ignored a plain declaration of that principle, although nine-tenths of the Convention were staunch believers in it. What was the result?—Our neighbors of the *Gazetee* and *Reporter* know that during the entire campaign, the refusal of the Convention to pass a resolution clearly endorsing the doctrine of ‘submission’ was a powerful weapon in the hands of the opposition and the opposition candidates.”

Commenting upon this discussion<sup>59</sup> J. Teesdale of *The Iowa Citizen* recalled the antecedents of former Democratic

<sup>58</sup> *The Iowa Citizen*, Vol. IV, No. 5, March 16, 1859.

<sup>59</sup> This discussion and comment is taken from a noteworthy editorial in *The Iowa Citizen*, Vol. IV, No. 6, March 23, 1859.



Conventions and assumed the functions of prophecy. He anticipated an ominous silence upon the Homestead Bills, the Agricultural College Bills, the Tariff and upon the enormous expenditures of the administration. "They will prove to the satisfaction of all blinded partisans, that Iowa has nothing to do with measures of national significance; and they will moreover demonstrate the fact, that the Democracy of Iowa have no other mission on this fallen planet, than to pursue the 210 darkies in the State, and circulate a thousand-and-one lies about Republican profligacy."

The Republicans were already scanning the political horizon for Presidential candidates for 1860. Editor J. Teesdale believed that the next president should be a man thoroughly identified with the creed and organization of the Republican party. William H. Seward, the editor believed, was the choice of Iowa, but loyal support would also be given such candidates as John McLean, Chase, Winfield Scott, Fremont, and John P. Hale. From Pennsylvania Iowa would prefer Galusha A. Grow while many Iowans looked with favor upon John Bell and J. J. Crittenden. The editor assured his readers, however, that presidential preferences would not affect the State canvass.<sup>60</sup> Of all these men, thought the *Davenport Weekly Gazette*, none possessed higher qualifications and a more consistent, purer personal and political record than Governor Chase.<sup>61</sup>

The calls for the State Conventions were the signals for "mentioning" lists of candidates. The *Vinton Eagle* suggested Kirkwood for Governor, Charles Aldrich in the *Hamilton Freeman* again presented the name of Ralph P. Lowe; William Penn Clarke's name appeared in the *Davenport Weekly Gazette*. Before June, 1859, almost every Democratic newspaper had printed the name of some man

<sup>60</sup> *The Iowa Citizen*, Vol. IV, No. 9, April 13, 1859.

<sup>61</sup> *Davenport Weekly Gazette*, Vol. XVIII, No 35, April 28, 1859.



whom it recommended for the governorship. Augustus Caesar Dodge, Ver Planck Van Antwerp, and Bernhart Henn, the former trio in the land office at Burlington, were named. The list grew with the names of Maturin L. Fisher, William E. Leffingwell, Ben M. Samuels, Judge Charles Mason and Gilbert C. R. Mitchell. The mention of the Reverend Henry Clay Dean, however, prompted a Republican editor to say that it would be incongruous for the Reverend Dean to serve as the ambassador of Christ and at the same time serve as the ambassador of the Democratic party.

Seventy-six counties were represented at the Republican State Convention at Des Moines on June 22, 1859, which was presided over by Timothy Davis of Dubuque County.<sup>62</sup> A letter from Governor Lowe was presented in which he withdrew his candidacy for a renomination. Amid the prolonged cheers of the delegates Samuel J. Kirkwood was then nominated for Governor by acclamation. Nicholas J. Rusch was then nominated for Lieutenant Governor, and Governor Lowe, L. D. Stockton, and Caleb Baldwin for Judges of the Supreme Court. On motion of William P. Hepburn a State Central Committee of eleven members representing the eleven judicial districts was selected.

A platform of ten resolutions was reported by G. H. Jerome of Johnson County. The second condemns the expenditure of nearly \$100,000,000 under the rule of "Africanized Democracy", the fourth condemns the new prohibition of slavery in the territories by the Democrats and the fifth opposes the demands of the southern Democracy. Horror is expressed over the revival of the slave trade, a homestead law is favored and economy in State expenditures is promised.

An immense ratification presided over by John A. Kas-

<sup>62</sup> A full report of the proceedings of this Convention is to be found in *The Iowa Citizen*, Vol. IV, No. 20, June 29, 1859.

son was held after the session of the Convention. Senator Harlan delivered a powerful speech before the delegates in which he charged the Democratic party with the responsibility for the condition of the country. The Democracy of the free States had surrendered the administration of the government to southern men and had abandoned all its cherished principles. The increase of expenses in the government had been enormous and unnecessary, and for the ills of the country he considered the Buchanan and Douglas wings equally responsible. A strong moral and religious fervor rides on the crest of his utterances and the arguments, facts, and statistics in the speech make it one of the most important campaign utterances of the year 1859.<sup>63</sup> Speeches were also delivered by George May, C. C. Nourse and by Congressman Samuel R. Curtis.

In February James A. Williamson, the Chairman of the Democratic State Central Committee, issued the call for the State Convention to meet in Des Moines on June 1. In April, however, another call was issued, declaring that at the request of many Democrats the State Convention was postponed to June 23, the day following the meeting of the Republican State Convention. This second manifesto drew upon the Democrats a fire of Republican criticism, and the *Mt. Pleasant Journal* with faint hopes for the Democracy sarcastically advised that the Convention be postponed to the year 9000.

The demands for the nomination of Augustus Caesar Dodge for Governor had been many and persistent. He was returning, at the time of the Convention, from Spain where for four years he had served as the American Minister at the court of Isabella II. The Convention of June

<sup>63</sup> A copy of this speech is to be found in the *Autobiographical Manuscript of James Harlan*.

23<sup>64</sup> was compelled to meet without him and placed him in nomination by acclamation. His running mate for Lieutenant Governor was L. W. Babbitt of Pottawattamie County, while for Judges of the Supreme Court they nominated Thomas S. Wilson of Dubuque County, Judge Charles Mason of Des Moines County, and C. C. Cole of Polk County.

The platform adopted reaffirmed the national platform of 1856 and asserted that no power could prevent the Territories from passing such laws upon the subject of slavery as to them might seem proper. Responsibility for the doctrines of the Supreme Court was disavowed; a transcontinental railroad was favored; the acquisition of Cuba was deemed desirable and another plank declared in favor of the homestead policy. In the State they demanded reform in taxation and expenditures, and insisted on the repeal of the Constitutional provision which admitted negro children to the schools on an equality with the whites.

Immediately after the Conventions had named their respective candidates correspondence between the Central Committees ensued relative to the arrangement of a series of joint debates between the two candidates. This correspondence created vaporous charges that Kirkwood was afraid to meet the oratorical onslaughts of the Democratic nominee. Scores of editorials voiced these charges and issued denials and counter charges.

A series of joint discussions by the two candidates was agreed upon.<sup>65</sup> Oskaloosa first greeted the candidates who discussed taxation, State expenditures, the Lecompton Constitution, the Dred Scott Decision, and slavery in all its bearings. Town after town was visited. Magnolia, Winterset, Newton, Iowa City, Adel and various other towns heard

<sup>64</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Part 1, pp. 51-54.

<sup>65</sup> For a fuller narrative and discussion of this campaign see the writer's *Augustus Caesar Dodge*, Chap. XVIII.



their joint discussions. Barbecues also interspersed the debates. On September 23, 1859, Des Moines was the host at a large barbecue where Dodge and Cole discussed the issues. A dinner of "barbecued beef", pork, mutton, and wheat and corn bread with a few "chicken fixins" was not the smallest feature of the celebration.<sup>66</sup> In the next month a barbecue was held at the county fair at West Union. The day opened by the firing of guns and at 8 o'clock hundreds of people were pouring into the town. Drums, fifes, bands, parades, and processions added to the gaiety of the event. Speeches followed and a roasted ox was eaten at high noon by the enthusiastic supporters of Dodge and Cole.<sup>67</sup>

It is a charitable characterization of this campaign to say that it was full of personal abuse and vituperation. At the polls on October 11, 1859, the entire Republican ticket was elected and Kirkwood's vote was 3,170 over that of Dodge, while in both branches of the General Assembly there remained Republican majorities. The people in Iowa in 1859 felt more keenly and saw more thoroughly than ever before the effects of Lecomptonism. The political pendulum in Iowa was swinging farther away from slavery extension than it had when Dodge was defeated for the Senate in 1855, and the ante-bellum decade had matured new political creeds and converts.

Five days after this election John Brown descended upon Harper's Ferry and with his little band seized the United States arsenal. The news of this epoch-making event quickly reached Iowa where the sympathizers and friends of Brown were many. Surprise, shock, and passion followed upon the developments of the affair, and with great detail Iowa newspapers reported the attack, the capture,

<sup>66</sup> *Iowa State Journal*, Vol. III, No. 34, October 1, 1859.

<sup>67</sup> From an account in *The Dubuque Herald*, Vol. XVIII, No. 41, October 19, 1859.



the imprisonment, the trial, and the execution of Captain Brown.

The event became a text for praise and blame, censure and apology, warning and prophecy. "Modern democracy," moralized a Republican editor, "finds in Capt. Brown a fit exponent of its doctrines and acts. The democracy of the last five years have encouraged marauding schemes and have encouraged marauders and cut-throats. . . . Brown in his late Harper's Ferry raid is only imitating one of the Democracy's forays. . . . John Brown is a martyr to the democracy. And democracy if true to anything would erect a monument to his memory."<sup>68</sup>

William Porter recited the many sins of Brown and thus indicted the Republican party: "All these things have been encouraged and palliated by the press, and orators of a great political party. The Kansas Aid Society commended them as the legitimate fruit of their contributions to the cause of *freedom*. Henry Ward Beecher rubbed his hands in glee at the sanguinary accounts. Wm. H. Seward grew bold and declared in favor of an 'irrepressible conflict'<sup>69</sup> between free and slave States. . . .

"What is there, People of Iowa, to commend to your favor such a party as the Republican, proposing as the ultimatum of its organization the universal inauguration through the South of such scenes as that at Harper's Ferry?"<sup>70</sup>

<sup>68</sup> *Iowa Weekly Republican*, Vol. X, No. 571, October 26, 1859.

<sup>69</sup> This much maligned and oft misquoted passage in Seward's speech reads as follows: "Shall I tell you what this collision [antagonism between free labor and slave labor] means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either a slaveholding nation or entirely a free-labor nation."—From Seward's Rochester speech of October 25, 1858, in Baker's *Seward's Works*, Vol. IV, p. 292.

<sup>70</sup> *Iowa State Journal*, Vol. III, No. 38, October 29, 1859.

Editor Teesdale of *The Iowa Citizen* believed that Brown was more sinned against than sinning and regarded him as the angel of light compared to some of the Buchanan hirelings. He also advanced the plea of insanity: "his whole bearing through this Virginia outbreak, bears indubitable evidence of a species of insanity that would in a trial for murder, be received as conclusive cause for a home in the asylum, instead of a felon's death."<sup>71</sup> Editor Jerome, another Republican editor, was disgusted at the cowardice and quaking fear manifested by the Virginia "*shiver-elry*" over the Harper's Ferry Raid.<sup>72</sup>

Captain John Brown was hanged on December 2, 1859. At Davenport many German and American citizens wore crape and on many business houses the sign of mourning was displayed. In *Der Demokrat* appeared an editorial shrouded in mourning lines and a German theater displayed a flag at half mast. A meeting of negroes passed resolutions extolling Brown and requested that the city hall be draped in black and that the mayor appoint thirty days for fasting and prayer.<sup>73</sup>

"I feel entirely satisfied with the treatment I have received on my trial," John Brown had said just before he heard his doom.<sup>74</sup> But the *Iowa Weekly Republican* did not remember this. "Now in a word," said the editor, "we have not, and do not complain of Brown's arrest, nor that he should have been put on trial, and if found guilty pay the penalty of his guilt. But we have complained and do complain of the judicial mockery of his trial, and of the comic-tragic character of 'his taking off'. The trial was a burlesque on justice and the execution a tragic farce which

<sup>71</sup> *The Iowa Citizen*, Vol. IV, No. 34, November 2, 1859.

<sup>72</sup> *Iowa Weekly Republican*, Vol. X, No. 572, November 2, 1859.

<sup>73</sup> From accounts in *The Dubuque Herald*, Vol. IX, December 6, 1859.

<sup>74</sup> Quoted in Rhodes's *History of the United States*, Vol. II, p. 405.

if the world were ransacked from the flood till the reign of King [Governor] Wise, there can not be found a counterpart."<sup>75</sup>

The Republican press of Iowa vibrated between conviction and policy upon the John Brown episode. While it secretly admired his moral courage and his righteous impulses, it also deplored the lawlessness and anarchy of his deed. Democratic editors saw in Brown the natural fruit of Republican teachings; Seward's Rochester speech and Lincoln's "house-divided-against-itself" speech were tortured into a prophecy of evil and looked upon as a soil that had nurtured these tares of anarchy and discord. Brown had been the forerunner of great events, and, although he was now in his grave, his soul was bound to march on.

Intense and varied political activity is ushered in by the year 1860. The echoes of Buchanan's last message, facetiously called a "political winding sheet" by an Iowa Republican, revive condemnation in Iowa; political forces in Iowa beat responsive to the bitter contests in Congress and Helper's *Impending Crisis* provokes Democratic censure in Iowa. Never in the history of the State were conventions and campaigns more numerous; great men were sparring for the presidential nomination and election and transcendent issues depended upon the contest. On one side was the Democratic party, looking to the past, weakened by many defeats and divided in council. In front of it was moving the Republican party led on by Grimes, Harlan, Kirkwood and Kasson. Strong in the strength of its youth and in its supremacy in every department of political power it looked to the future to solve dominant issues.

For the last time ante-bellum issues were to be led into the arena of debate and discussion. Compromises of the

<sup>75</sup> *Iowa Weekly Republican*, Vol. X, No. 576, December 7, 1859.



past were to be settled by contests. Strained relations were to divide or to harden political ties and passion was often to sever personal bonds. In brief the year 1860 is the preparation and the prelude for the final act of a drama which had been enacted by a generation of statesmen. It is the role which Iowa plays in this preparation which offers a study of strong political actors, motives and changing scenes.

Partisan feeling ran high in the Eighth General Assembly of Iowa, and was strained to a still greater tension by Governor Kirkwood's inaugural address of January 11, 1860. The administration of President Pierce, the workings of the Kansas-Nebraska Bill, and the wrongs inflicted upon the unhappy Territory of Kansas, argued the Governor, had produced their natural fruit in the John Brown raid. "While the great mass of our northern people", he declared, "utterly condemn the act of John Brown, they feel and they express admiration and sympathy for the disinterestedness of purpose by which they believe he was governed, and for the unflinching courage and calm cheerfulness with which he met the consequences of his failure."<sup>76</sup>

Standing as the boldest utterance of sympathy upon John Brown's act and coming from such a high source, this message could not escape Democratic condemnation. A resolution directing the printing of 7,500 copies of this inaugural drew a sharp protest which was signed by the Democratic minority of each house. To express opinions upon John Brown was not the province of the Governor of the State; they saw in the message an "attempt to extenuate and excuse his conduct"; protest was registered against the severe arraignment of President Pierce and southern states-

<sup>76</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 236-241.



men, and the sentiments of the message, they feared, would rekindle that blind fanaticism which had threatened the Union.<sup>77</sup>

Another occurrence fell into this strained atmosphere. It will be recalled that the youthful Barclay Coppoc of Springdale, Iowa, had assisted Captain Brown in his assault upon Harper's Ferry. He had returned to the home of his youth and to his friends when one C. Camp arrived in Des Moines and on January 23, 1860, served a requisition for young Coppoc upon Governor Kirkwood. The Governor's legal acumen discovered, however, legal and other technical flaws in the requisition and the surrender of Coppoc was declined.

Three weeks passed before Governor John Letcher of Virginia could serve another requisition bearing the proper seal, affidavits and indictments. But meanwhile warnings had been conveyed to Coppoc who had safely escaped to Canada. This episode had provoked a sharp correspondence between two Governors<sup>78</sup> who were at opposite poles upon the subject of slavery. Both money and assistance were offered by Republican members to facilitate the escape of Coppoc and at Springdale an armed guard had been collected to prevent his arrest by the Virginia authorities.<sup>79</sup>

What did such events portend? Never had Governor Kirkwood displayed more dignity and courage. In the

<sup>77</sup> This protest is found in Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 247-251.

<sup>78</sup> This correspondence is found in Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 394-402.

<sup>79</sup> "Since the requisition on Gov. Kirkwood, for Barclay Coppock, the peace principles of our Springdale Quakers have almost forsaken them. We learn that they have received boxes of Sharpe's rifles, and that they have revolvers in the hands of all the young men of the place. We also learn that they have taken a brick store, formerly occupied by Thomas Winn, and converted it into a fort, making holes in the upper part to shoot through.—They say that Coppock shall not be taken." From *The (Tipton) Cedar Democrat*, Vol. IV, No. 27, February 9, 1860.

legislature eulogy and praise as well as condemnation was again spoken upon the ill-fated Brown. After reciting some Republican eulogies in the legislature, the correspondent of the *Weekly Davenport Gazette* wrote: "The warm-heartedness which prompts such expressions as these appears to be entirely unknown to the Democracy, who do not seem to understand the difference between a legal and a moral wrong — between a martyr of his own faith, and a culprit of ignoble desires, whose violation of law has no palliation in wrongs endured, in moral principle, or a religious belief."<sup>80</sup>

As early as December 5, 1859, John A. Kasson had issued a call for the meeting of the Republican State Convention at Des Moines on January 18, 1860. The purpose of this meeting was merely to choose delegates to attend the Republican National Convention of May 16 at Chicago where a President and Vice President were to be nominated. A large and enthusiastic body of delegates assembled and was called to order by John A. Kasson. W. W. Hamilton of Dubuque County was then elected President and eleven Vice Presidents and six Secretaries completed the organization.<sup>81</sup>

On motion of Benjamin F. Gue of Scott County the Convention proceeded to elect five delegates at large and two delegates from each of the eleven judicial districts. The delegates at large were W. Penn Clarke, Reuben Noble, J. A. Kasson, Henry O'Connor, and J. F. Wilson. No resolutions were adopted and the delegates were not instructed. Although none of the Congressional delegation were chosen as delegates, the five men chosen nevertheless represent a high order of ability. Seward, Chase, McLean,

<sup>80</sup> *Davenport Weekly Gazette*, Vol. XIX, No. 28, March 8, 1860.

<sup>81</sup> The proceedings of this convention are to be found in *The Iowa Citizen*, Vol. IV, No. 50, January 25, 1860.

Lincoln, Bates, and Cameron had their friends in the delegation but no majority preference was present.

Five weeks later, on February 22, a similar meeting of the Democracy was held at Des Moines.<sup>82</sup> I. M. Preston of Linn County presided over the deliberations of the Convention and expressed the hope that Douglas would be chosen as the nominee of the Democracy for President. The delegates chosen to attend the convention at Charleston on April 23, were the following: Augustus Caesar Dodge, Ben M. Samuels, D. O. Finch, N. B. Baker, T. W. Claggett, W. H. M. Pusey, J. W. Bosler and E. H. Thayer.

Ten resolutions were adopted. The national platform of 1856 was reaffirmed, abhorrence was expressed over the Harper's Ferry attack, the execution of Brown was approved, Republican teachings were again censured, and confidence in the administration was recommended. The delegates were then instructed to cast the vote of Iowa as a unit (at the Charleston convention) for Stephen A. Douglas so long as he should be a candidate before that body. The "Little Giant's" forces in Iowa were in supreme control. After voting unanimously to abide by the action of the Charleston convention, the delegates adjourned.

Presidential preferences now began to adorn the mast heads of the Iowa Democratic political press. Indeed, as early as January 5, *The Cedar Democrat* had printed the name of Stephen A. Douglas whom it regarded as a consistent, unswerving, union-loving Democrat.<sup>83</sup> The *Le Claire Register* claimed the honor of having first printed the name of Douglas at the head of its editorial columns.<sup>84</sup> In common with the policy of Democratic organs, R. H.

<sup>82</sup> The proceedings of this convention are to be found in *The Dubuque Herald*, Vol. XIX, No. 9, February 29, 1860.

<sup>83</sup> *The Cedar Democrat*, Vol. IV, No. 22, January 5, 1860.

<sup>84</sup> Printed in the *Davenport Weekly Gazette*, Vol. XIX, No. 45, July 5, 1860.



Sylvester of the *Weekly Iowa State Reporter* reposed his choice in the prospective nominee of the Convention to meet at Charleston on April 23, 1860. This man, everybody expected and the majority of the Democrats of Iowa hoped, would be Stephen Arnold Douglas of Illinois.

Editor C. Curtiss of *The Cedar Democrat* counselled harmony in discussing presidential preferences, and deplored the prejudices and abuse which an acrimonious discussion was creating. "Mr. Douglas can be praised without any detracting from Mr. Buchanan, Mr. Breckenridge, Mr. Hunter, or any other. An ability to appreciate the greatness of one distinguished man implies the power of seeing the excellencies of others."<sup>85</sup>

Expressions from Republicans as to presidential preferences are conspicuously absent in Iowa. Timidity, doubt, and a fear of creating a discordant discussion made Republican editors withhold the names of their favorites for the presidential race course. Even Horace Greeley's early advocacy of Edward Bates for President roused a protest from the German Republicans of Davenport. Their meeting of March 7, 1860, resolved that under no circumstances would they vote for this Missouri statesman whom they regarded as infected with Americanism and as an unorthodox Republican.<sup>86</sup> Such a protest with its subsequent discussion acted as a check to any exploitations of any presidential preferences.<sup>87</sup> A week before the meeting of the National Convention the editor of the *Davenport Weekly Gazette* wrote: "We have advocated the claims of no

<sup>85</sup> *The Cedar Democrat*, Vol. IV, No. 36, April 12, 1860.

<sup>86</sup> The resolutions of this meeting are to be found in the *Weekly Iowa State Reporter*, Vol. III, No. 35, March 14, 1860.

<sup>87</sup> The *Marion Register*, however, declared that Seward was its first, last, and only choice for President, and that if it had to give up the New York statesman it would prefer Lincoln, although not very warmly.—*The Iowa State Register*, Vol. V, No. 10, April 18, 1860.



man whose name has been mentioned in connection with this nomination, and we do not intend to do so at this late day. Not a name has been mentioned with any great prominence as a candidate for the nomination of the Chicago Convention, whom we would not heartily and with our whole might support, if the choice of that body. All maintaining the same political principles, we regard this choice as a mere question of men and popularity.”<sup>88</sup>

In the discordant Democratic National Convention the Republicans of Iowa saw an omen of success. The seceding delegates at Charleston were to hold another convention at Baltimore on June 28 — three days after the meeting of the Republican National Convention at Chicago. The Iowa delegation at Charleston had, however, been faithful to Douglas whose loyal supporters had been unable to effect his nomination. After fifty-seven ineffectual ballots the Convention had adjourned to reassemble at Baltimore on the eighteenth of June.<sup>89</sup>

In the Republican Convention at Chicago the Iowa delegation was honored by important places in the organization and upon committees. Notable service was rendered by John A. Kasson in drafting the platform. Said Horace Greeley: “That the platform presented is so generally satisfactory as it has proved, is eminently due to John A. Kasson, of Iowa, whose efforts to reconcile differences and

<sup>88</sup> *Davenport Weekly Gazette*, Vol. XIX, No. 38, May 17, 1860.

<sup>89</sup> “But while we are disappointed at the results at Charleston, and regret sincerely that a harmonious feeling did not prevail, and result in the hearty nomination of a man who should be the next President, we are not alone in our regrets. The Republican party, are more outraged at the result than we are. Upon the nomination at Charleston depended greatly the action of the Chicago Convention, now just on the eve of assembly. They expected to know to a certainty, when they met, just who and what they had to contend with, and could therefore cut their garment according to the requirements of the season.”—A. P. Durlin in *The Lyons City Advocate*, Vol. V, No. 14, May 5, 1860.

secure the largest liberty of sentiment consistent with fidelity to Republican principles, were most effective and untiring. I think no former platform ever reflected more fairly and fully the average convictions of a great National party.”<sup>90</sup>

Shortly after Lincoln's nomination,<sup>91</sup> the Republican State Convention assembled at Iowa City on May 23, 1860, and was called to order by John A. Kasson.<sup>92</sup> Ed. Wright of Cedar County presided over this Convention which was largely a ratification meeting filled with hope and enthusiasm for the November election. The brief platform of four resolutions endorsed the Chicago platform, the nominations of Lincoln and Hannibal Hamlin and as usual promised economy in State expenditures. The State officers nominated were: Elijah Sells for Secretary of State, J. W. Cattell for Auditor, John W. Jones for Treasurer, Chas. C. Nourse for Attorney General, and A. B. Miller for Register of the State Land Office. Fitz Henry Warren and Jos. A. Chapline were nominated for electors at large while for the first and second Congressional districts M. L. McPherson and Chas. Pomeroy were respectively nominated for electors.

Nearly three weeks intervened between the nomination on June 23, 1860, of Douglas and Johnson at Baltimore, and the meeting of the Iowa Democratic Convention at Des Moines on July 12, 1860. To Democrats it was a period of anxiety for the future of their party. The seceding dele-

<sup>90</sup> Quoted in the *Iowa Weekly Republican*, Vol. XI, No. 601, May 30, 1860.

<sup>91</sup> “He is the most acceptable man to the Democracy of any named at Chicago”, wrote an Iowa Democratic editor. “He never had and never can have the strength of Seward, the most formidable name presented for ballot. Simon Cameron would have rallied a more enthusiastic support. Bates himself would have been an antagonist of equal dread to the Democratic party.”—R. H. Sylvester in the *Weekly Iowa State Reporter*, Vol. III, No. 45, May 23, 1860.

<sup>92</sup> The proceedings of this convention are to be found in the *Iowa Weekly Republican*, Vol. XI, No. 601, May 30, 1860.

gates at Charleston had reassembled at Baltimore and on June 28, had placed John C. Breckenridge and Joseph Lane in nomination for President and Vice President. Since May the Constitutional Union party had had its candidates, John Bell and Edward Everett, in the field. What did this quadrangular presidential contest augur for the future of the Democratic party?

Amos Harris presided over the deliberations of the distracted Democracy at the Des Moines Convention.<sup>93</sup> The following nominations were made: for Secretary of State, John M. Corse; for Treasurer, John W. Ellis; for Auditor, George W. Maxfield; for Attorney General, William McClintock; for Register of the State Land Office, Patrick Robb. For Electors they nominated Lincoln Clark, Henry Clay Dean, M. V. B. Bennett and LeGrand Byington.

A long platform of plans and promises was adopted. The action of the Charleston and the Baltimore Conventions was indorsed, the doctrines of non-intervention and popular sovereignty were reaffirmed, the attempts to form "so called union electoral tickets" they totally disapproved, and they invited help to "crush the hydra-headed monster, Congressional Intervention". Republicanism was again denounced, and in the program of State policy they promised reduction in taxes and expenditures, and the revision of existing banking laws and of the State Constitution.

Meanwhile the spirit of discord had been at work among the Democracy, although scores of ratification meetings

<sup>93</sup> The proceedings of this convention are to be found in *The Dubuque Herald*, Vol. XIX, No. 29, July 25, 1860.

"Few of the old stagers,—the wheel-horses of the party,—were present. Dodge, Coolbaugh, Hall, Johnston, Mahoney, Hempstead, Grant, Gillaspie, &c., &c., were all absent. They regard the present posture of affairs as too hopeless to warrant an expenditure of time or money. Besides there is no chance to draw upon the Administration, the corruption fund, or the office-holders. The Breckenridge men hold the bag, and they propose to hold it tight enough to prevent the friends of Douglas from getting anything out of it."—J. Teesdale in *The Iowa State Register*, Vol. V, No. 23, July 18, 1860.



and jubilees had celebrated the nomination of Douglas. Davenport seems to have been the instigator of the Breckenridge-Lane movement in Iowa. There as early as June 12, 1860, a coterie of Buchanan dyed Democrats had ratified the nomination of Breckenridge and Lane.<sup>94</sup> Another meeting at the same place on June 30 was presided over by T. D. Eigel and passed a set of resolutions. Breckenridge and Lane they regarded as the true Democratic ticket and they considered it their duty to place an electoral ticket in the field for the voters of Iowa. A committee of three was appointed to propel the movement.<sup>95</sup>

A few weeks later there appeared an "Address to the National Democracy of Iowa" over the signature of H. H. Heath of the National Committee of Iowa. He took issue with the Douglas Democrats and declared that there were thousands and thousands of National Democrats in Iowa. "They must be permitted to have an Electoral ticket to vote for, that they may vote for their principles; nothing else will serve them — as honest men, nothing else can subserve the great interest they have in the Ballot Box, and their free untrammelled suffrage."<sup>96</sup>

"The Republican press", assured J. Teesdale, "is properly disposed to see fair play between the fragmentary Democracy. The Douglas organs are determined to crush out the Breckenridge movement in Iowa; while it is *vice versa*, (only a little more so) where the Breckenridge wing is in the ascendant. As an item of intelligence we would state that we have undoubted Democratic authority for saying that the Breckenridge and Lane Democracy mean to organize at an early day in this State. They will have a State Convention, and respond to the insolent and dicta-

<sup>94</sup> *The Iowa State Register*, Vol. V, No. 22, July 11, 1860.

<sup>95</sup> *Iowa Weekly Republican*, Vol. XI, No. 606, July 4, 1860.

<sup>96</sup> *Iowa Weekly Republican*, Vol. XI, No. 608, July 18, 1860.



torial gentlemen of the late State Douglas Convention, in a tone that cannot be mistaken. As they have received no quarters they will give none."<sup>97</sup>

Editor Teesdale was right. Late in July there was issued a call for a mass meeting of the National Democracy of Iowa to meet at Davenport on August 15, 1860. The names signed to the call indicated the strength and the area of the Breckenridge sentiment. Of the eighty-one signers, thirty-nine hailed from Davenport, eighteen came from Dubuque, others were from Keokuk, Fort Dodge, Keosauqua, Council Bluffs and Le Claire. The name of Austin Corbin of Davenport is first on the list, and the spirit of James Buchanan certainly animated these delegates.<sup>98</sup>

John Johns called the Breckenridge State Convention of August 15, to order, which chose T. S. Espy of Lee County for its President. Committees were appointed to manage the campaign and the following were nominated for Presidential Electors: G. C. R. Mitchell, T. S. Espy, J. D. Test, and J. F. Duncombe. No State nominations were made. The platform of seven resolutions reported by P. Quigley is an ultra Buchanan document. The Dred Scott Decision is eulogized, the right of Congress to interfere with the introduction of slaves into Territories is denied, as well as the right of the Territories themselves to prohibit slavery. "The true Democratic and constitutional doctrine is, that the Territories, being the common property of all the States, and all citizens being thereby joint owners, all have an equal right to settle in them with whatever property they may legally possess." The final resolution cordially indorsed President Buchanan's administration.<sup>99</sup>

<sup>97</sup> *The Iowa State Register*, Vol. V, No. 23, July 18, 1860.

<sup>98</sup> Reprinted from the *Davenport Democrat & News* in *The Dubuque Herald*, Vol. XIX, No. 29, July 25, 1860.

<sup>99</sup> *The Iowa State Register*, Vol. V, No. 28, August 22, 1860, and the *Muscatine Weekly Journal*, Vol. XII, No. 8, August 24, 1860.

"The National Democratic party is confused and distracted, but it is not dead", began the address which the Convention published the next month. It presents the histories of the various nominations, and is a long and detailed statement and argument of the pro-slavery wing of the Democratic party.<sup>100</sup>

But a fourth party now entered upon the political stage in Iowa. This was the Constitutional Union party generally composed of men of ability. These men as a rule were the former adherents of Clay and of Fillmore. Whig and Know-Nothing instincts still lingered in them and they looked with equal alarm at both the Democratic and the Republican party. From Iowa City on August 6, 1860, came a call for a Union State Convention to meet at Iowa City on August 31, to nominate an electoral ticket and to organize the party for efficient action. The signers of this call were Eastin Morris, W. H. Henderson, Geo. D. Crowthwait, Joseph P. Troxel, D. W. Henderson, and Walter Curtis.<sup>101</sup>

A mass meeting of thirty-two Union men met at Muscatine on August 25, 1860. George Reeder was President and the meeting passed strong resolutions condemnatory of the Republican party which it regarded as a "purely sectional faction". John Mahin, a Republican editor, reprimanded the members of this gathering for squandering their political influence upon an independent and hopeless organization, and the names of all the persons in the meeting were published under the editorial caption of "The

<sup>100</sup> The full text of this address is in *The Lyons City Advocate*, Vol. V, No. 32, September 8, 1860. Four days before the Breckenridge State Convention this paper replaced in its editorial column the names of Douglas and Johnson by those of Breckenridge and Lane. This paper under the editorship of A. P. Durlin was one of the strongest if not the strongest Breckenridge organ in Iowa.

<sup>101</sup> *Weekly Iowa State Reporter*, Vol. IV, No. 7, August 29, 1860.

Know-Nothing Convention''.<sup>102</sup> At a similar meeting in Des Moines on the same day delegates were appointed to attend the State Union Convention.<sup>103</sup>

Forty or fifty Union delegates most of whom came from Davenport and Muscatine were called to order by Eastin Morris at Iowa City on August 31, 1860.<sup>104</sup> The gathering represented about fifteen counties principally of the eastern part of the State. Ebenezer Cook presided over the meeting and W. H. Henderson, H. D. McHenry, C. W. Boyer, and J. J. Lindley were nominated as electors. A State Executive Committee of ten members was selected to manage the campaign. A proposition to nominate a State ticket was strenuously opposed and voted down.

Five resolutions were adopted as reported by H. D. McHenry, J. H. Wallace, and L. S. Viele. They deplored the sectional strife between the Democratic and the Republican parties and expressed alarm at the growth of the Executive power. They referred to the delusive and ambiguous platforms (of which theirs was certainly one) and invited the people of Iowa to look to the records of Bell and Everett as they stood upon "the basis of the Constitution, the union of the States and the enforcement of the laws."

Four parties in Iowa were now aspirants for Presidential honors. In the first district the Republicans were again matching Samuel R. Curtis against Chester C. Cole for Congressional honors, while in the second district William Vandever, Republican, was opposing Ben M. Samuels. Two State tickets were in the field and a new House of Representatives was to be elected. This was Iowa's fourth Presi-

<sup>102</sup> *Muscatine Weekly Journal*, Vol. XII, No. 9, August 31, 1860.

<sup>103</sup> *The Iowa State Register*, Vol. V, No. 29, August 29, 1860.

<sup>104</sup> The facts concerning this convention are found in the *Iowa Weekly Republican*, Vol. XI, No. 615, September 5, 1860, and in the *Muscatine Weekly Journal*, Vol. XII, No. 10, September 7, 1860.



dential election and the contest remains a memorable one in Iowa's political history.

Never had Iowa furnished a more brilliant and a more aggressive galaxy of speakers than in this campaign. Harlan, who had been reëlected Senator on January 14, 1860, was everywhere in demand; immense throngs listened to Governor Kirkwood; powerful speeches were delivered by Senator Grimes; editors often exchanged their editorial chairs for the stump; Vandever and Curtis made long speaking tours; C. C. Nourse, the candidates for elector and for State offices, and scores of minor speakers did noble work for Lincoln and Hamlin.

Among the Democratic campaigners Samuels and C. C. Cole were foremost in urging the election of Douglas; Lincoln Clark spoke frequently; LeGrand Byington bitterly assailed Kirkwood, Lincoln, and the Republicans generally; the candidates for State office presented their claims, and the Reverend Henry Clay Dean — more deserving of the cap and bells than the cloth — perambulated the State from one end to the other. Neither the Breckenridge men nor the Bell-Everett men seem to have conducted an aggressive campaign in Iowa and neither seemed to gather force as the day of election approached.

Never were ratification meetings, mass meetings, rallies, and joint discussions more numerous. Scores of Douglas clubs were formed while the "Wide Awake" clubs of the Republicans guarded the interests of Lincoln. Instances of personal violence were not wholly uncommon and personal abuse and vituperation were by-products of this campaign. But in all these features there is discernible a deeper appreciation of the grave and momentous issues of this contest.

A noteworthy event in this campaign was the speech of



William H. Seward at Dubuque on September 21, 1860,<sup>105</sup> in which he plead earnestly for the election of the man who four months before had defeated him for the nomination for the Presidency. Under Democratic rule, the speaker stated, the policy of the federal government had been to extend and fortify African slave labor in the United States. "Our policy," said Mr. Seward, "stated as simply as I have stated that of our adversaries, is, *to circumscribe slavery, and to fortify and extend free labor or freedom.*"

The various compromises on the slavery question are reviewed, free labor in Iowa is contrasted with slave labor, the claims of Douglas and Breckenridge are considered, and he pleads that when a Territory shall be admitted as a State it shall, like Iowa, be left untrammelled and uncrippled by slave labor. "A strange feeling of surprise comes over me that I should be here in the State of Iowa, the State redeemed in the compromise of 1820; a State peopled by freemen; that I should be here in such a State before such a people, imploring the citizens of the State of Iowa to maintain the cause of Freedom instead of the cause of Slavery."

Still more notable was the visit of Douglas to Iowa during which he spoke at Cedar Rapids<sup>106</sup> and at Iowa City in the month of October. The booming of cannon and the cheers from thousands of Democratic admirers greeted the "Little Giant" when he arrived at Iowa City in the fore-

<sup>105</sup> This speech is printed in *The Iowa State Register*, Vol. V, No. 35, October 10, 1860.

See also Baker's *Seward's Works*, Vol. IV, pp. 368-385.

<sup>106</sup> "Mr. Douglas spoke to a crowd of 5,000 at Cedar Rapids at 10 o'clock yesterday [October 10, 1860]. We understand that he was not able to finish his speech on account of being disturbed by the Republicans. Shame upon such conduct. The Republicans have much to say about free speech and freedom. Their freedom seems to mean that they have the right to disturb Democratic meetings. Who would belong to a party which would be guilty of such cowardly conduct?"—*Cedar Democrat*, Vol. V, No. 10, October 11, 1860.

noon of Tuesday, October 9, 1860. With him came also a group of Chicago Democrats who were escorted to the Crummey House where a reception was held in honor of the candidate. Augustus Caesar Dodge, Douglas's former colleague in the Senate, had also come to enjoy this gala day for the Democracy of Iowa.<sup>107</sup>

Stephen Arnold Douglas was in his forty-eighth year when he rose in the afternoon to address the Democracy of Iowa. Veteran and victor in a score of political contests, this campaign was the last time (as it proved) that he took up arms against a sea of troubles. He was weary and worn from months of speaking and was suffering from a hoarseness that hindered his speech. He had spoken ten times on the day before, which, he humorously remarked, had been one of his "leisure days".<sup>108</sup>

With his wonted skill he at once gained the confidence of the large audience by complimenting the intelligence and the greatness of Iowa, and by recounting his own share in the State's Congressional career. Why cannot we all return to the doctrine of non-interference and non-intervention as all parties did in 1850? The Democratic platform stands for this and the Democratic party fought both northern and southern fanaticism. "If you would banish the slavery question from the halls of Congress, and leave the people to decide it, Northern Abolitionism would not last a week, and Southern disunion would die in a day."

Northern Republicans, complained Douglas, demand that Congress prohibit slavery wherever people want it, while the Breckenridge men insist that Congress maintain and protect it where the people do not want it. The Republicans

<sup>107</sup> *Cedar Democrat*, Vol. V, No. 10, October 11, 1860.

<sup>108</sup> This speech is found in *The Muscatine Daily Review*, Vol. I, No. 17, October 11, 1860. It was reported by W. H. Jenkins, the only short-hand reporter present, exclusively for this paper.

want Congress to act for the North and the Southern Disunionists for the South. "Have you ever seen a Republican leader who did not say he preferred Breckenridge to Douglas?" demanded the speaker.

A voice here interrupted saying that the southerners were not disunionists. Why then did they secede at Baltimore, asked the speaker. Not to defeat Lincoln but to defeat me; they are dividing the party for the benefit of Lincoln. "They can't divide us here," assured a faithful Democrat, "we are all for Douglas."

The patriotism of the politician now showed itself, when he denounced all threats of disunion. "I tell you people of Iowa to-day," rang his words, "that whoever is elected President, must be inaugurated, and after he is inaugurated he must be supported in the exercise of all his just powers. If after that he violates the Constitution, I would help punish him in obedience to it, by hanging him as a traitor to his country."

Cheers, applause, and shouts of approval punctuated this speech which found a warm response in Democratic hearts. His hoarseness increased but he continued. "This Union cannot be dissolved without severing the ties that bind the heart of the daughter to the mother and the son to the father. This Union cannot be dissolved without separating us from the graves of our ancestors. We are bound to the South as well as to the East, by the ties of commerce, of business, and of interest.— We must follow, with our produce in all time to come, the course of the Mississippi River to the broad ocean. Hence, we cannot permit this Union to be dissolved. It must be preserved. And how? Only by preserving inviolate the Constitution as our fathers made it."

Prophecies and forecasts — those volatile elements of all political campaigns — became more and more numerous. The October elections of other States gave moral stimulus



to Republicanism in Iowa. But Democrats as well as Republicans were surprised at the magnitude and number of Republican majorities in the election of November 6, 1860. The Republican triumph was as complete as it was overwhelming. The popular vote for President stood: Lincoln, 70,118; Douglas, 55,639; Breckenridge, 1,034, and Bell, 1,763.<sup>109</sup> For Secretary of State, Elijah Sells polled 70,706, a majority of 13,670 over J. M. Corse. The remainder of the Republican ticket was elected by almost equally large majorities. Ben M. Samuels receiving 27,306 votes was defeated for Congress by a majority of 9,499 votes by William Vandever. In the first district Samuel R. Curtis received 33,936 votes — a majority of 3,696 over C. C. Cole the Democratic nominee.<sup>110</sup>

With the election of Abraham Lincoln there ends the ante-bellum period of our political history. Decades of slavery agitation and compromises evolve into the issues of secession and union; the political historian must write "of arms and the man", and the man is Lincoln, rather than Douglas, Kirkwood rather than Jones, and Grimes rather than Dodge. And no longer can the questions of the hour be settled by Chief Justice Taney in the Supreme Court but rather by General Grant at Appomatox Court House.

LOUIS PELZER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

<sup>109</sup> *Iowa Official Register*, 1907-1908, p. 530.

<sup>110</sup> These statistics are taken from *The Cedar Valley Times*, Vol. X, No. 14, December 20, 1860, and *The Iowa State Register*, Vol. V, No. 44, December 12, 1860.



## THE DELEGATES TO CONGRESS FROM THE TERRITORY OF IOWA

[This paper was awarded the prize of seventy-five dollars offered in 1908 by the Iowa Society of the Colonial Dames of America for the best essay on Iowa history. The essay has been revised and enlarged for publication.—EDITOR.]

The institution of Territorial representation in Congress had its origin in the Ordinance of 1787 for the government of the Northwest Territory. That Ordinance contemplated the formation of from three to five States in the Northwest Territory; but for the time being provision was made for the establishment of Territorial government. In regard to this temporary government it was provided that as soon as the population should number five thousand the people might elect members to a Territorial House of Representatives who, together with the Governor and a Council appointed by Congress, were to form the Territorial General Assembly; and the General Assembly was empowered to elect a Delegate to Congress, who should "have a seat in Congress, with a right of debating, but not of voting during this temporary government."<sup>1</sup>

What would be the exact status of the Territorial Delegates to Congress was somewhat uncertain. It seems that they were to have the same privileges as representatives from the States, save the right of voting; but evidently there was little thought of what questions they should debate, or precisely what their duties should be. The Ordinance did not even state in which branch of Congress they should sit. Obviously, then, the position, influence, and

<sup>1</sup> *United States Statutes at Large*, Vol. I, p. 52.

The Congress of the United States slightly revised the Northwest Ordinance, August 7, 1789.—*United States Statutes at Large*, Vol. I, p. 51.

privileges of the Territorial Delegates in Congress would at the outset depend largely upon the men who would be chosen to fill the office.

The Northwest Territory was not the first Territory to send a Delegate to Congress. When in 1790 Congress established the Southwest Territory (which eventually was admitted into the Union as the present State of Tennessee) it provided in the Organic Act a government similar to that provided for in the Northwest Ordinance.<sup>2</sup> Four years later (1794) Congress was quite surprised to receive the credentials of Dr. James White, as duly elected Delegate from the Southwest Territory. A two days' desultory debate followed in the Committee of the Whole House as to whether this first Delegate to Congress should be admitted to a seat in the House or in the Senate or in both.<sup>3</sup> Some members even denied his right to a seat anywhere; but this point was settled by reference to the provisions of the Ordinance of 1787. Finally the Delegate from the Southwest Territory was admitted to a seat in the House. The journal of Congress does not show whether this first and only Delegate from the Southwest Territory took any active participation in debate, either on Territorial affairs or on other business.

It was not until 1799 that the Assembly of the Northwest Territory elected as the first Delegate to Congress, William Henry Harrison (a young Virginian of the famous Harrison family of Virginia) who had already won military honors in the Northwest under General Anthony Wayne. Delegate Harrison took his seat in Congress in December of the year he was elected.<sup>4</sup> He was voted the franking

<sup>2</sup> *Annals of Congress*, 1st Congress, p. 2286; *United States Statutes at Large*, Vol. I, p. 123.

<sup>3</sup> *Annals of Congress*, 3rd Congress, p. 873.

<sup>4</sup> *Annals of Congress*, 5th Congress, pp. 187, 109; *United States Statutes at Large*, Vol. II, p. 4.

privilege and the same compensation as Representatives, and he took the same oath of office.

Unlike the Southwest Delegate, Harrison, being a man of initiative and well known in the East through his family connections, immediately assumed a leading position in Congress with regard to Territorial affairs. During this period of congressional history the greater part of the business of the House of Representatives was considered in the Committee of the Whole, where the debate, in which all the members participated, was exhaustive and unlimited. The practice of committing business to standing committees was not so regularly followed as it is to-day. There was in fact no committee on the Territories; and so Delegate Harrison in calling the attention of Congress to needed Territorial legislation observed the usual method of moving a resolution for the appointment of a special committee to inquire into the expediency of enacting legislation in regard to the Territorial question described.<sup>5</sup> The bill which such a committee would report was then fully discussed in the Committee of the Whole House before being voted upon. Delegate Harrison was appointed a member of nearly every special committee having to do with Territorial business, and was, indeed, chairman of three of these committees.<sup>6</sup>

While the Delegate from the Northwest Territory thus took an active part in legislation relating to the Territories, he spoke but once on any other subject, thus establishing the precedent of Delegates confining their attention largely to questions of Territorial concern.<sup>7</sup> It appears reasonable

<sup>5</sup> *Annals of Congress*, 6th Congress, pp. 194, 209, 529.

<sup>6</sup> *Annals of Congress*, 6th Congress, pp. 198, 210, 538.

<sup>7</sup> Toward the close of a long debate on the reduction of the army, Harrison made some brief remarks concerning his own experience with the militia.—*Annals of Congress*, 6th Congress, p. 316.

that Delegates should thus restrict their debate; and so, the precedent established by Harrison has been more or less strictly observed down to the present day.

As Indiana, Illinois, and Michigan were organized into independent Territories, they were each empowered to send a Delegate to Congress.<sup>8</sup> In 1809 Congress passed a law providing that the people of the Territory of Indiana<sup>9</sup> at the time of electing representatives to the General Assembly might elect a Delegate to Congress. The same provision was made in 1812 for the Territories of Illinois and Missouri.<sup>10</sup> And in 1817 Congress passed a general act providing that thereafter all Delegates should be elected every second year by the citizens of the Territories who were entitled to vote for representatives to the Territorial legislatures.<sup>11</sup> This placed the election of Delegates directly in the hands of the inhabitants of the Territories.

That part of the Northwest Territory which now forms the State of Wisconsin was for thirty years prior to 1835 a part of the Territory of Michigan; and in 1834 a considerable area west of the Mississippi River was attached to and made a part of this same Territory of Michigan.<sup>12</sup> But in 1835 the people of eastern Michigan adopted a State

<sup>8</sup> *United States Statutes at Large*, Vol. II, pp. 58, 514, 309.

Besides those named in the text, the following Territories at various periods before 1846 sent Delegates to Congress: Southwest Territory, Mississippi Territory, District of Orleans, and Missouri, Alabama, Arkansas, Florida, Wisconsin and Iowa.

<sup>9</sup> *United States Statutes at Large*, Vol. II, p. 525.

<sup>10</sup> *United States Statutes at Large*, Vol. II, pp. 476, 742.

<sup>11</sup> *United States Statutes at Large*, Vol. III, p. 363.

<sup>12</sup> *United States Statutes at Large*, Vol. IV, p. 701.

In discussing the Delegates to Congress from the Territory of Iowa, it is well to consider the Delegate from the original Territory of Wisconsin from 1835 to 1838, since by the Organic Act of Wisconsin, approved April 20, 1836, the Iowa country was included as a part of this original Territory of Wisconsin and was called the "Iowa District".



constitution and government, and though not yet admitted into the Union neglected to elect a Territorial Delegate to succeed the Delegate whose term expired that year. This left the western part of the original Michigan Territory unrepresented in Congress. Accordingly, it appears that in the same year the people of Western Michigan assumed to themselves the Territorial government and held an election for Delegate to Congress which resulted in the choice of George Wallace Jones.<sup>13</sup>

On December 7, 1835, Delegate Jones took his seat in the House of Representatives,<sup>14</sup> and was recognized as representing that part of Michigan Territory which did not claim to be a State.<sup>15</sup> This was the first session of the Twenty-fourth Congress. The Territories of Arkansas and Florida were also represented each by a Delegate.<sup>16</sup> But none of the Delegates were placed on any of the standing committees; for, since Harrison's term as Delegate, a change had taken place in the procedure of the House of Representatives. Instead of only a few standing committees, necessitating a discussion of all the business in the Committee of the Whole House, Congress as early as 1836 had adopted the present congressional system of appointing many standing committees.<sup>17</sup> To the committees were committed or referred the large majority of the bills introduced and the resolutions and petitions presented. As is

<sup>13</sup> Strong's *History of Wisconsin Territory*, p. 158.

<sup>14</sup> *Congressional Globe*, 1st Session, 24th Congress, p. 3.

<sup>15</sup> Although the people of eastern Michigan Territory adopted a State Constitution in 1835 and elected no Delegate to Congress, yet they were not admitted until January 26, 1837. Jones, considering that he represented only what was left of Michigan Territory, took no part in the debates of Congress concerning the admission of eastern Michigan as a State.

<sup>16</sup> *Congressional Debates*, 1st Session, 24th Congress, p. 1940.

<sup>17</sup> See *Standing Rules and Orders of the House of Representatives of the Twenty-fourth Congress* in the *Journal of the House of Representatives*, 1st Session, 25th Congress, p. 247.

the practice today, the committees after considering the different legislative matters referred to them, reported favorably or unfavorably to the House. If the report was favorable it was accompanied by a bill embodying the desired legislation; and the bill thus introduced by the committee was open to very limited debate and amendment before the vote thereon was taken.

Thirty-two standing committees were appointed for the session of 1835-36.<sup>18</sup> Only eight of these committees considered any Territorial business, namely: the committees on Claims, Public Lands, Post Office and Post Roads, the Judiciary, Indian Affairs, the Territories, Public Expenditures, and Private Land Claims.

Petitions and memorials from the inhabitants of the Territories were presented to Congress by their respective Delegates on "petition and resolution days", when the roll of the States and Territories was called. The petitions thus presented were referred to the proper committees.<sup>19</sup> On such days it was also in order to move a resolution that a certain committee consider a specifically mentioned question needing legislation, or frame and report a bill embody-

<sup>18</sup> *Congressional Globe*, 1st Session, 24th Congress, p. 21.

<sup>19</sup> Attention is called to the following rules:

"16. As soon as the journal is read, the Speaker shall call for petitions from the members of each State, and delegates from each Territory, beginning with Maine; and if on any day the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day: Provided that after the first thirty days of the session, petitions shall not be received, except on the first day of the meeting of the House in each week.

17. The petitions having been presented and disposed of, reports, first from the standing, and then from the select committees, shall be called for, and disposed of. Resolutions shall then be called for in the same order, and disposed of by the same rules, which apply to petitions: Provided, that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called."

—*Standing Rules and Orders of the House of Representatives of the Twenty-fourth Congress, Journal of the House*, 1st Session, 25th Congress, pp. 247, 248.

ing the same. On "resolution and petition days" Delegate Jones was always in attendance to present numerous petitions and memorials from western Michigan.

The newly organized Territories of the West were completely under the control of Congress. Almost all the lands were still government land. There was no system of taxation. Congress voted the Territorial expenses. For internal improvements, preëmption rights, and other legislative measures the inhabitants were obliged to look to Congress. There was, in fact, no end to petitions and resolutions from the West. On March 1, 1836, among the seventeen recorded in the *Congressional Globe* as presented by Delegate Jones are the following:

Petition of the inhabitants of the county of Milwaukie, Michigan Territory, praying for the establishment of a land office in that county, for the sale of the public lands.

Petitions of the citizens of Du Buque, praying the passage of a law to perfect their titles to their lots in that town.

Petitions of inhabitants of Fort Madison, Des Moines county, Michigan Territory, praying the establishment of mail routes.

Memorials of the Legislative Council asking appropriation for pay of its members, officers, printers, &c.<sup>20</sup>

Moving such resolutions and getting the House to agree to them did not necessarily insure a favorable report from the committee instructed to consider the matters. Indeed, the committees were pressed for time by the constantly accumulating business of the session and might neglect to report on the subject or even to consider it. This was especially true of the Committee on Claims, in the face of an ever increasing number of private bills. Therefore it devolved upon the Delegate, or for that matter upon any member of the House who had obtained the agreement of the House to his resolution, to appear before the proper committee and urge his claim.

<sup>20</sup> *Congressional Globe*, 1st Session, 24th Congress, p. 217.



Neither the *Congressional Globe* nor the *Journal of the House* shows the complete work of members of Congress. To ascertain how eagerly they advocated some bill or presented some constituent's claim, would necessitate following them from the floor of the House to the committee meetings. It may be noted that George W. Jones was eminently successful in obtaining favorable reports from committees. This was due to his persistence and to the concise, practical, and forceful manner in which he presented his claims.

In January it appears that Delegate Jones presented a memorial from the Legislative Council of the west Michigan Territory praying for the establishment of the separate Territorial government of Wisconsin.<sup>21</sup> He was vigorous in urging the passage of a bill embodying the objects of this memorial, pressing the matter upon the attention of the Committee on Territories in the House and the Committee on Judiciary in the Senate. Mr. John M. Clayton of Virginia, chairman of the Senate Committee on Judiciary, took charge of the Wisconsin bill in the Senate;<sup>22</sup> and, in the House, the chairman of the Committee on Territories was its manager.<sup>23</sup> After a conference with the Senate committee the bill was finally passed on April 18, 1836.<sup>24</sup> Local writers have given Delegate Jones the entire credit for its passage — which is hardly justifiable.<sup>25</sup>

In regard to obtaining congressional appropriations for the new Wisconsin Territory, Delegate Jones was successful in inducing Congress to vote generous amounts. An appropriation of \$19,800 for salaries of Territorial officers and other contingent expenses, \$50,000 for the survey of

<sup>21</sup> *Congressional Globe*, 1st Session, 24th Congress, p. 81.

<sup>22</sup> *Congressional Globe*, 1st Session, 24th Congress, p. 978.

<sup>23</sup> *Congressional Globe*, 1st Session, 24th Congress, p. 314.

<sup>24</sup> *Congressional Globe*, 1st Session, 24th Congress, p. 375.

<sup>25</sup> For instance see *Iowa Historical Record*, Vol. III, 1887, p. 438.



public lands, \$20,000 for the erection of public buildings, \$5,000 for the purchase of a Territorial library of law, and appropriations for post roads and for the construction of light-houses on the lakes were among the items obtained for Wisconsin.<sup>26</sup> When Congress adjourned in July, 1836, the Delegate from Wisconsin went back to the new Territory with a "good record".

The Organic Act of the original Territory of Wisconsin, passed by the Twenty-fourth Congress, went into effect July 4, 1836; and under it the first election for Delegate was to be held in accordance with the Governor's proclamation. In respect to the Delegate this act provided that his term should be two years; that the qualifications of electors should be the same as those of electors of members of the Legislative Assembly; and that the time, place, and manner of the first election should be as the Governor directed, but thereafter these particulars should be determined by the Legislative Assembly.<sup>27</sup>

On September 9, 1836, Governor Henry Dodge issued a proclamation directing a general election of Territorial officers on October 10, 1836.<sup>28</sup> The first political campaign though brief excited considerable attention. Besides George W. Jones, Moses Meeker of Galena, Iowa County, announced himself as candidate for the office of Delegate.<sup>29</sup> At this time, there being no definite party lines and issues in the western settlements, the campaign was not a conflict between parties, but a contest of local interests.<sup>30</sup> In

<sup>26</sup> *United States Statutes at Large*, Vol. V, p. 23.

<sup>27</sup> *United States Statutes at Large*, Vol. V, p. 10.

<sup>28</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 50.

<sup>29</sup> *Du Buque Visitor*, Vol. I, No. 19, September 14, 1836.

<sup>30</sup> For a discussion of party conditions in Wisconsin and Iowa Territories, see Pelzer's *The History and Principles of the Whigs of the Territory of Iowa*, and *The History and Principles of the Democratic Party of the Territory*.

Iowa County,<sup>31</sup> for instance, George W. Jones headed the ticket nominated by a meeting in Belmont, while Moses Meeker headed one nominated later at Mineral Point.<sup>32</sup>

Throughout the whole Territory, Jones's past record commended him most highly to the people; and of the 4218 votes cast he received a majority of 2826.<sup>33</sup> A statement appearing in the *Belmont Gazette* some time later explains why, in Iowa County, Jones's election was not unanimous and illustrates how local interests forced themselves into the campaign.

A temporary excitement, with regard to the seat of government was made to operate against him [Jones]; gratuitous and unfounded reports of his being interested in a particular place were circulated and to this, and this alone, is to be ascribed his loss of votes.<sup>34</sup>

Personally, George W. Jones was an interesting man. He was born at Vincennes and educated at Transylvania University, in Kentucky, where he was under the guardianship of Henry Clay, his father's friend. He came to the Dubuque lead region in 1827, built the first reverberating furnace in that region, carried on an extensive mercantile business in the new towns, won distinction in the Black Hawk Indian War, married the sister of John Scott, the famous Missouri Delegate to Congress, and in 1833 was appointed a District Judge in the Territory of Michigan. His judicial honors, however, did not deter him from acquiring a reputation as the hero of several western duels.

of Iowa, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. V, pp. 46-90, and Vol. VI, pp. 3-54.

<sup>31</sup> Iowa County was a county in Wisconsin Territory east of the Mississippi River. The Iowa District was west of the Mississippi, and contained the two counties of Du Buque and Demoine.

<sup>32</sup> Strong's *History of Wisconsin Territory*, pp. 221, 222.

<sup>33</sup> For a discussion of how these elections were conducted, see Peterson's *The Regulation by Law of Elections in the Territory of Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. V, p. 493.

<sup>34</sup> Strong's *History of Wisconsin Territory*, p. 222.

Delegate Jones was present on the opening day of the congressional session of 1836-37. The Delegates from Wisconsin and later from Iowa Territory were prompt in their attendance on Congress, though the distance to Washington was great and the means of travel miserable. To go from Wisconsin Territory to Washington one had the choice of three routes. First, one could go by river-boat from St. Louis to Wheeling, Virginia, and thence by the Cumberland Road through the Alleghanies. Another route was by road through Illinois, reaching the Cumberland Road near Terre Haute, Indiana, and continuing on it through the Alleghanies. The third and less common route was by boat from Milwaukee on the Great Lakes to Buffalo, New York, from which point one might reach Washington via New York City. Congress opened the first Monday in December, and Delegates from the western Territories had to plan their trips east accordingly. In early winter heavy snows in the Alleghanies caused tedious delays to the stage-coaches.

Delegate Jones was now well known in Congress, not because of any speech in the preceding session but because of his pleasing and persuasive personality. He had proved that a Delegate could do more by clear and persistent presentation of wants before committees than by the blustering attempted by some Delegates on the floor of the House.<sup>35</sup> Congress had by this time developed into a very busy assembly, and the contest for precedence of business was fully as sharp as it is today; therefore it is much to the credit of Delegate Jones that he was able to have the House set aside on its calendar certain days for the consideration of Territorial matters.<sup>36</sup> Moreover, Jones was the per-

<sup>35</sup> Notably David Levy of Florida, to whom John Quincy Adams refers: "the Jew Delegate".—*Memoirs of John Quincy Adams*, Vol. VII, pp. 164, 501.

<sup>36</sup> *Congressional Globe*, 2nd Session, 25th Congress, p. 380.



sonal friend of Senator Lewis F. Linn of Missouri; and since Linn was himself a half brother of Henry Dodge, Governor of Wisconsin Territory, it followed quite naturally that Senator Linn should look after the Wisconsin business in the Senate<sup>37</sup> and, indeed, often go out of his way to secure prompt legislation for this Territory.

In this same session of 1836-37 Jones secured all of the appropriations that a new Territory might properly expect. But in regard to obtaining a satisfactory preëmption law, of which the Territory stood in great need, even his strenuous efforts were not enough to influence Congress. During the succeeding session of Congress, however, a preëmption law was passed (partly through his efforts before the committees) which afforded some relief to the settlers in Wisconsin.<sup>38</sup>

The most important measure that Jones was influential in causing Congress to pass in 1838 was the act to divide the Territory of Wisconsin and establish the Territorial Government of Iowa. There was some opposition to the passage of this act both in the House and in the Senate. Senator John C. Calhoun was vindictively opposed to it, as he was to all bills providing for the organization of free-soil Territories, and he announced that he would speak against the bill when it should be reported for the consideration of the Senate. It appears that Delegate Jones (who, by the way, prided himself on his gallant manner) was able to persuade the daughter of Senator Calhoun to call her father away from the senate chamber at the time that the bill came up for final discussion. And so, in the absence of the southern Senator the bill passed the Senate

<sup>37</sup> *Congressional Globe*, 1st Session, 25th Congress, p. 29.

<sup>38</sup> *Congressional Globe*, 2nd Session, 25th Congress, p. 435.

For a discussion of the needs of preëmption rights for settlers, see Shambaugh's *History of the Constitutions of Iowa*, pp. 30-65.



and was approved June 12, 1836.<sup>39</sup> This act, which provided that that part of Wisconsin lying west of the Mississippi should form the Territory of Iowa, was moreover a literal copy of the Organic Act of the original Territory of Wisconsin in its provisions relative to the election by the people of a Delegate to Congress.

It was in the session of 1837-38 that Delegate Jones was notoriously connected with the Graves-Cilley duel as second to Cilley. Northern people were especially active in denouncing the killing of Mr. Cilley and in demanding the expulsion from the House of all those involved in the affair. It does not appear that Jones lost his standing in Congress, but it is a fact that this episode led many of his constituents to mistrust him.<sup>40</sup>

The term of the Wisconsin Delegate expired in 1838. Jones's announcement as a candidate to succeed himself was preceded by that of William W. Chapman in the Iowa District.<sup>41</sup> Congress not having adjourned, Jones offered himself as a candidate in a circular letter to the people, June 20, 1838.

By the act of June 12, 1838, Iowa, now as a separate Territory, was entitled to a Delegate to Congress. By proclamation from the new Governor's office the first general election in the Territory of Iowa was appointed to be

<sup>39</sup> *United States Statutes at Large*, Vol. V, p. 235.

On November 6, 1837, a convention of the counties of Wisconsin, west of the Mississippi, was held at Burlington, and memorialized Congress for a division of Wisconsin Territory. Jones presented this memorial to the House, December 14, 1837. The memorial commended highly the services of both Governor Dodge and Delegate Jones.—*Congressional Globe*, 2nd Session, 25th Congress, p. 28.

<sup>40</sup> A good account of this famous duel is contained in the report of the "Duelling Committee" of the House.—*Congressional Globe*, 2nd Session, 25th Congress, p. 326.

<sup>41</sup> Strong's *History of Wisconsin Territory*, p. 270.

held on September 10, 1838.<sup>42</sup> In the meantime William W. Chapman transferred his candidacy as Delegate from Wisconsin Territory to the Territory of Iowa. Besides Chapman a surprisingly large number of citizens announced themselves as candidates for the same office. The *Fort Madison Patriot* issued an extra number on September 2, 1836, containing the announcements of seven candidates for Delegate. As in the first election campaign of Wisconsin there was no systematic party grouping of candidates; even the local interests were vague, the contest for Delegate centering around the personalities of the many candidates who energetically canvassed the young Territory in a body.<sup>43</sup> The election returns showed that Chapman was elected by the small majority of thirty-six votes over the next highest competitor.<sup>44</sup>

Chapman went to Congress in the winter of 1838, representing the latest Territory formed in the West, with an area including the present States of Iowa, Minnesota, and parts of North and South Dakota, and having a population of twenty-two thousand.<sup>45</sup> While it could boast of only two large towns (Dubuque and Burlington), thousands of settlers from all parts of the Union were crossing the Mississippi each year. As was the case with almost all of the growing western Territories, these settlers of Iowa were largely men with families — farmers seeking a permanent home and fertile land. Thus the business of the new Territory which Chapman was to represent

<sup>42</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 209.

<sup>43</sup> Article on *W. W. Chapman* by T. S. Parvin in the *Iowa Historical Record*, Vol. II, 1886, p. 247.

<sup>44</sup> Election returns are among the Archives in the Historical Department at Des Moines.

<sup>45</sup> The census of Iowa in 1838 gives 22,859.— *Journal of the House of Representatives of the Territory of Iowa*, 1840, p. 315.

involved the questions of disputed land claims, preëmption rights, the survey and sale of the public lands, the securing of appropriations to build roads, bridges, and public buildings, and grants of the public domain for educational and local government purposes. The greater part of this business was of such a nature that it could be adjusted before the committees, and thus many Territorial propositions, as for instance those involving appropriations, were well considered in the committees, whose decisions, reported as bills, were passed with little or no debate.

As usual the Delegate received from his constituents scores of memorials to present to Congress. Indeed, this was the period in congressional history when, day after day in the House, John Quincy Adams presented numerous memorials on slavery, while the committee rooms were flooded with petitions and resolutions on all sorts of subjects. It is, moreover, a fact worthy of remark that the petitions and memorials from the several Territories far exceeded in number those from many of the more populous States. For instance, on the day (February 14, 1838) that John Quincy Adams presented his famous three hundred and fifty petitions, the Delegate from Wisconsin Territory presented twenty-one petitions from his constituents, which was a greater number than the whole delegation of either South Carolina, Maryland, Indiana, Vermont, or Delaware presented on the same day.<sup>46</sup> These petitions ranged in variety from memorials of Territorial legislatures praying for more appropriations to requests from individuals asking compensation for a horse killed in an Indian War or for a bridge over a certain creek. All received courteous attention from the House and were committed or referred to proper committees — which in most cases was the end of them. Delegate Chapman, in order to gain more prompt

<sup>46</sup> *Congressional Globe*, 2nd Session, 25th Congress, pp. 180-182.



attention to a certain claim, once made an ill-advised attempt to transfer its consideration from the proper committee (that on Claims) to another, which, of course, on the immediate opposition of the proper committee, failed.<sup>47</sup>

The business of the congressional session of 1839-40 (the second year of Chapman's term) was somewhat delayed at the outset by disorderly debate on the contested election of certain members, and in the press of business following Territorial matters were largely postponed. A few hours only were taken to debate the Missouri-Iowa Boundary question, which came up shortly after some open hostilities had taken place on the border.<sup>48</sup> It appears that in the summer of 1839, Governor Robert Lucas of the Territory of Iowa had called out the militia of Iowa to resist the encroachment of the Missouri authorities on what the people of Iowa considered as their territory, and the Governor of Missouri had responded in a like belligerent manner. In the House, Chapman moved that the communication of Governor Robert Lucas concerning this dispute be referred to the Committee on Territories.<sup>49</sup> In the Senate, Lewis F. Linn, who in the preceding Congress had taken charge of the Wisconsin bills, emphasized the argument that the boundary claimed by the Iowa people was illegal, and in the course of his remarks he made some uncomplimentary statements concerning "his young friend, the Delegate from Iowa", who it appears had addressed a letter to the Senate explaining his position on the question.<sup>50</sup>

<sup>47</sup> *Congressional Globe*, 1st Session, 26th Congress, p. 415.

<sup>48</sup> For a discussion of the Missouri-Iowa Boundary conflict, see Parish's *Robert Lucas*, pp. 226-257; also Pelzer's *Augustus Caesar Dodge*, pp. 77-93.

Although this article was written previous to the publication of Pelzer's *Augustus Caesar Dodge* in the *Iowa Biographical Series*, footnotes with references to this biography have since been added.

<sup>49</sup> *Congressional Globe*, 1st Session, 26th Congress, p. 95.

<sup>50</sup> *Congressional Globe*, 1st Session, 26th Congress, p. 111.

The letter is interesting to note, since this episode suggests the debate in



Iowa's Delegate, as well as the Missouri delegation, wished the boundary dispute settled immediately by Congress, as the people of both Iowa and Missouri had become somewhat excited. Chapman industriously bombarded both the House and Senate committees. But these committees were slow to act, since the question seemed to involve judicial considerations and to lie outside the jurisdiction of Congress. Whether Governor Lucas doubted Chapman's ability to handle the boundary matter is not certain; but it appears that in the early part of December he sent James M. Morgan to Washington with dispatches to the government.<sup>51</sup> Morgan seemed to consider himself the special representative of the Territory, and without consulting Chapman he seems to have besieged the committees and the Secretary of State for two months and then gone home without accomplishing anything.<sup>52</sup> The Missouri-Iowa Boundary question was not settled by Congress at this time. It was scarcely even debated in the House, though well threshed over in the committees. It remained a live question to engage the energies of the Delegate who followed Chapman.

Since Congress in 1839-40 was especially preoccupied and as the Appropriation Bill became in the last two months of the session the all-absorbing question, Territorial business was continually delayed. Chapman repeatedly and contentiously tried to induce Congress to set aside a day for the consideration of reported Territorial bills, but the Speaker always courteously yet firmly decided that he

Congress in 1794, when Congress was at a loss to decide whether Delegates should be allowed a seat in the House or in the Senate or in both.

<sup>51</sup> Parish's *Robert Lucas* in the *Iowa Biographical Series*, p. 254.

<sup>52</sup> In a letter to Governor Lucas, dated January 29, 1840, at Washington, he says: "I don't know what our Delegate is doing in the matter. I never see him."—Letter among papers in office of Benj. F. Shambaugh, Iowa City.

was out of order.<sup>53</sup> Finally, one hour before adjournment the House took up Territorial business, but adjourned in the midst of the discussion with few bills passed. Perhaps Chapman did not receive fair treatment in thus being put off so long, but the other Territorial Delegates were treated in exactly the same way. Indeed, Chapman's manner may have been irritating — as, for instance, at the last moment he charged his fellow Delegate from Wisconsin with being dishonorable.<sup>54</sup>

In reviewing Mr. Chapman's short career in the House of Representatives it should be noted that he rendered faithful service as Delegate, although his service was neither graced by tact nor by eminent success. It is said that he originated the bill granting 500,000 acres to the State for public school support. He introduced a good pre-emption bill, and carefully attended to the Territory's interests before Congress. To say that he was a highly respectable lawyer and served as a highly respectable Delegate nicely sums up his congressional career as well as his life.

A law passed on March 3, 1839,<sup>55</sup> provided that the term of office of the Delegate from Iowa should expire on October 27, 1840, and that a Delegate should be elected to serve from that date to March 4, 1841.<sup>56</sup> In the spring of 1840, the year of the sensational presidential campaign of William Henry Harrison, party spirit was strongly manifested in the Iowa Territory. During the summer a Territorial convention of

<sup>53</sup> *Congressional Globe*, 1st Session, 26th Congress, p. 541.

<sup>54</sup> *Congressional Globe*, 1st Session, 26th Congress, p. 547.

<sup>55</sup> *United States Statutes at Large*, Vol. V, p. 357.

<sup>56</sup> In 1839 a premature and extra-legal election for Delegate had taken place, through a misinterpretation of the Territorial law. The incident came to nothing.—See Pelzer's *The Election of Francis Gehon in 1839* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. V, p. 534.

Whigs met and nominated Alfred Rich for Delegate, while the Democrats nominated Augustus Caesar Dodge for the same office. Chapman was also a Democrat, but having failed of the Democratic nomination announced his candidacy as an independent one day after the party convention. It was but natural, however, that Dodge, who as a son of one of the most famous families in the West had already won the confidence of the settlers as Register of the United States Land Office at Burlington, and was liked by all, should be the real choice of the Democrats.

Dodge won in the close election which followed, and on December 8, 1840, he took his seat in the second session of the Twenty-sixth Congress. Little Territorial business came up during this session, and almost all that Delegate Dodge seems to have done was to present petitions which were sent by his constituents in the usual numbers.

Dodge's short term as Delegate expired March 4, 1841. In the summer Dodge and Rich were again nominated as candidates for Delegate in the conventions of their respective parties. The election resulted in the return of Dodge to Congress.

The Territories of Wisconsin and Florida, like Iowa, were represented in this Twenty-seventh Congress by conspicuous Delegates — Florida by David Levy, a politician with a shady reputation, and Wisconsin by Henry Dodge, the father of the Delegate from Iowa. There being a hearty spirit of coöperation between father and son, the slight friction between the Delegates from Wisconsin and Iowa, apparent in the last session, could not again occur. In fact they now worked so well together that their business took precedence of that of Florida, although that Territory was represented by a clamorous Delegate.<sup>57</sup>

<sup>57</sup> This unique coincidence of father and son both being members of the same Congress was repeated after Iowa and Wisconsin were admitted into the



In the debate upon the Civil and Diplomatic Appropriation Bill, Dodge offered an amendment appropriating some thirteen thousand dollars for arrearages of the expenses of the Legislative Assembly of the Territory of Iowa. This was strongly opposed on the ground that Iowa's legislature had been wantonly extravagant, which was very true. Dodge admitted this, but so tactfully explained the matter through plausible arguments that he was able to secure favorable action on the amendment in the House.<sup>58</sup> But in the Senate the item was stricken from the general appropriation bill. Not until June 17, 1844, was final action taken upon the subject of arrearages, when the amount of some sixteen thousand dollars was appropriated. Previous to this, however, a regular session of the Legislative Assembly had been postponed and the money appropriated for that session was applicable to the liquidation of all past and present arrearages.

During the discussion on the tariff, in July, when the proposition was made to reduce the import duty on lead, Augustus Caesar Dodge and his father both strenuously objected with well prepared remarks. The House recognized their right and authority to speak on this question, since the Dubuque and Galena mineral regions contained rich lead mines and produced at that time nearly all the lead mined in the United States. The Dodge family for a number of years had been largely interested in the Upper Mississippi Lead Mines, and the speeches of the two Delegates are a frank demand for tariff protection for the lead industry. Henry Dodge argued in part as follows:

Union, when the same father and son were returned to Congress as Senators.

Pelzer's *Augustus Caesar Dodge* gives an interesting account of the life of Henry Dodge in the West, and of the early life of Augustus Caesar Dodge, pp. 1-62.

<sup>58</sup> *Congressional Globe*, 2nd Session, 27th Congress, p. 430; also Appendix, p. 286.



In the first place, it should be recollected that lead is not an article of so general and considerable use, as that a difference of a dollar or two dollars a hundred could be felt by the people as a burden. Secondly: the mining business, and the manufacture of the ore into the marketable article, is yet in its infancy in those districts where lead ore is found, and need[s] the fostering hand of the Government to sustain them. Thirdly: the article of lead is an important and indispensable ingredient in war; and that policy which, as to those ingredients, will render us independent of foreign nations, cannot be questioned.<sup>59</sup>

The proposition to reduce the tariff on lead was rejected by the House of Representatives.

Toward the close of the session the chairman of the Committee on Territories reported a bill to determine the Missouri-Iowa boundary.<sup>60</sup> Rather sharp debate followed, and Dodge, who had apparently threshed this matter over with the committees, spoke at length in a well prepared speech;<sup>61</sup> but no agreement could be reached and the bill was dropped.

At the next session of Congress (1842-43) little was done in Territorial matters, save the voting of the customary appropriations — and attempts were made to reduce these. Many Congressmen from eastern States were convinced that altogether too much of the public funds was being expended in the Territories. It was not pleasant to members from New York to see large sums voted to improve navigation on the distant Mississippi, or to build post roads in the wilderness.<sup>62</sup> In view of a probable treasury deficit that year, provoking resolutions of retrenchment and economy in expenditures, it is really surprising that the Territorial appropriations voted were as large as they were. In

<sup>59</sup> *Congressional Globe*, 2nd Session, 27th Congress, pp. 754, 755.

<sup>60</sup> *Congressional Globe*, 2nd Session, 27th Congress, p. 770.

<sup>61</sup> *Congressional Globe*, 2nd Session, 27th Congress, Appendix, p. 943.

<sup>62</sup> For example see *Congressional Globe*, 3rd Session, 27th Congress, pp. 228-233; and *Congressional Globe*, 1st Session, 29th Congress, Appendix, pp. 341-344.

spite of the close watch upon expenditures Dodge was able to secure in the House the passage of a bill to pay the militia of Iowa for their services in 1839 when called out by Governor Lucas at the time of the "unpleasant controversy with Missouri",<sup>63</sup> but he was never able to influence the conservative Senate to allow this claim.

The two-year term of Delegate Dodge expired with this session. In June, 1843, he was renominated by the Democrats in convention at Iowa City;<sup>64</sup> while the Whigs nominated a prominent opponent. The two candidates held a series of joint debates. Dodge was criticised for not obtaining more appropriations in the last session. Since the expenses of Territorial government were defrayed out of the United States Treasury and not by local taxation, it was natural that extravagant hopes of Federal appropriations were entertained by many citizens; and to charge a Delegate with not securing adequate appropriations was no unusual attack upon his official record.

Altogether the campaign was rather spiritless since there were no really live issues and the question whether Iowa should seek admission as a State, which so soon afterwards became interesting, was not presented by either party. Indeed, in the absence of vital questions the public men, lawyers, and politicians of Dubuque, Iowa City, and Burlington found it difficult in this election to stir up political interest among busy settlers and homesteaders, scattered over the vast prairies and separated by woods, creeks, and swamps. The popular candidate was the candidate who "campaigned next the ground", who met the settlers easily, whether in the cabin or the field or in the church, and who

<sup>63</sup> *Congressional Globe*, 3rd Session, 27th Congress, pp. 228-229. For a full discussion of the appropriations Dodge secured, see Pelzer's *Augustus Caesar Dodge*, pp. 94-111.

<sup>64</sup> *Iowa Capital Reporter*, Vol. II, No. 24, May 20, 1843, contains a Democratic endorsement of Dodge.

talked *with* them instead of *at* them. Dodge was one of this kind.<sup>65</sup> In October he was reëlected.

Congress opened in December, 1843, with the same Delegates present as in the preceding Congress. Almost at the outset, Levy, the Delegate from Florida, becoming somewhat hasty, probably because his election was being contested, gave notice of his intention to introduce numerous Territorial bills which he had prepared.<sup>66</sup> This particular procedure — to introduce bills independently instead of through the proper committees — was not attempted by the early Delegates, although both Chapman and Dodge had on several occasions introduced unimportant bills on the floor, evidently with the consent of the committees. This fact suggests how the three present Delegates, each having now been in Congress for some time, assumed more prestige than probably any other Delegates since the establishment of the congressional standing committee system.<sup>67</sup> And this was apparent later in administration circles; for in 1845, on the accession of President Polk, Dodge was invited to recommend the Federal appointments in Iowa.<sup>68</sup> The courtesy and confidence thus extended to Iowa's Delegate was a departure from long established custom, for politicians in the East had hitherto regarded the Territorial appointments as rewards to be bestowed by the party in power for political services, and so easterners were as a rule thrust upon the people of the Territories without consulting their wishes. For example, William B. Conway

<sup>65</sup> *Iowa Historical Record*, Vol. III, 1887, pp. 397-401. Pelzer's *Augustus Caesar Dodge* gives a good account of Dodge's ability as a "campaigner", pp. 65-74.

<sup>66</sup> *Congressional Globe*, 1st Session, 28th Congress, p. 44.

<sup>67</sup> In the debate upon the West Point Bill, Dodge even offered an amendment which was passed.— *Congressional Globe*, 3rd Session, 27th Congress, p. 225.

<sup>68</sup> Harrison's and Tyler's administration being Whig, on the accession of Polk, a change in federal appointments was made in accordance with the "spoils system".



was, in 1838, appointed Secretary of the Territory of Iowa as a reward for his services as editor of a violent Jacksonian paper in Pittsburg, Pennsylvania.<sup>69</sup>

The first time that a Delegate appears to have been consulted to any extent in the making of appointments was at the time of the establishment of the original Wisconsin Territory, when George W. Jones, after urging strenuously upon President Jackson the desire of the Wisconsin people to have western men at the head of their government, was allowed to recommend some of the nominations.<sup>70</sup> In 1845 Dodge was requested without application on his part to make recommendations, and the men he named were accordingly appointed, James Clarke his personal friend heading the list as Governor.<sup>71</sup>

In the session of 1843-44 little Iowa business was considered, save the usual appropriations and the tedious Missouri-Iowa boundary question. On June 15, 1844, Congress passed an act providing for the appointment of commissioners to survey and locate the northern boundary of the State of Missouri, but the law failed of accomplishing any result, since the Missouri delegation had succeeded in inserting an undesirable condition in the bill, which defeated its purpose.<sup>72</sup>

Thus far in his congressional service Delegate Dodge had practically made no move in Congress for the admission of Iowa as a State, since a majority of the people of Iowa up to this time did not desire statehood.<sup>73</sup> Every effort on the part of Governor Lucas and other public spirited men look-

<sup>69</sup> *Annals of Iowa*, Vol. II, 3rd Series, p. 222.

<sup>70</sup> *Iowa Historical Record*, Vol. XII, 1896, p. 386.

<sup>71</sup> *Iowa Historical Record*, Vol. III, 1887, p. 409.

<sup>72</sup> *Congressional Globe*, 1st Session, 28th Congress, p. 693; *United States Statutes at Large*, Vol. V, p. 677.

<sup>73</sup> For a discussion of the agitation for a State Constitution see Shambaugh's *History of the Constitutions of Iowa*, pp. 144-174.



ing toward admission had been rejected. And with the characteristic indifference of the American people toward a government in which they have faith, the busy settlers had gone ahead breaking the prairies, developing the mines at Dubuque, and speculating in town lots, content to remain a Territory since the United States defrayed the expenses of their government at Iowa City. But Iowa was growing. Each year literally thousands of families were ferried across the Mississippi. The population had increased from 22,000 in 1838, to 75,152 in 1844;<sup>74</sup> and with the increase of population and the passing of pioneer hardships came time to reflect on political needs.

Early in 1844 the Legislative Assembly passed a law calling a constitutional convention to be held in October, providing the people at the April election of that year should approve of such a convention.<sup>75</sup> A vigorous campaign of education was prosecuted, with the result that at the polls the proposition carried. The convention, meeting in October, formulated a constitution and described the boundaries of Iowa as follows: on the east by the Mississippi River, on the west by the Missouri River, on the south by the northern boundary of Missouri, and on the north by the St. Peters River.<sup>76</sup>

In December, 1844, when Congress opened, Delegate Dodge presented in the House the new Constitution of Iowa and a memorial adopted by the convention and he moved that the same be referred to the Committee on Territories.<sup>77</sup> Dodge immediately became active in placing before the House and the Committee on Territories accurate informa-

<sup>74</sup> Census of 1844, quoted in *Census of Iowa*, 1880, p. 168.

<sup>75</sup> *Laws of Iowa*, 1844, p. 13.

<sup>76</sup> For the exact statement of these boundaries, which were called the "Lucas Boundaries", see *Journal of the Convention of the Formation of a Constitution for the State of Iowa*, 1844, p. 187.

<sup>77</sup> *Congressional Globe*, 2nd Session, 28th Congress, p. 24.

tion concerning Iowa. He offered a resolution to have Nicollet's map of the western country published; <sup>78</sup> he presented the act of the Legislative Assembly concerning the constitutional convention, with the census of Iowa and an abstract of the vote, and had them printed; <sup>79</sup> and he offered a resolution (supporting it against opposition) requesting the Secretary of War to communicate the reports of certain military explorations relative to Iowa.<sup>80</sup>

On February 6, 1845, the chairman of the Committee on Territories introduced a bill for the admission of Iowa and Florida into the Union.<sup>81</sup> In accordance with the principle that the balance of slave and free State representation in Congress must not be destroyed the admission of the free Territory of Iowa was associated with the admission of the slave Territory of Florida. Curiously enough, while Levy, the Delegate from Florida, stormed in Congress because the bill proposed to admit his Territory as one instead of as two States, Dodge "most solemnly protested" against the amendment offered by Mr. Alexander Duncan, of the Committee on Territories, to reduce Iowa's boundaries by cutting the Territory in two by a line north and south and thus depriving it of the area bordering on the Missouri.<sup>82</sup> Delegate Levy was influenced by southern representatives who were delighted at the prospect of two slave States being carved out of one slave Territory. On the other hand, northern Congressmen urged upon Dodge their desire to divide the great Northwest into as many States as possible. Yet Dodge stoutly maintained his position that the boundaries proposed by the Territorial convention (which in-

<sup>78</sup> *Congressional Globe*, 2nd Session, 28th Congress, p. 67.

<sup>79</sup> *Congressional Globe*, 2nd Session, 28th Congress, p. 215.

<sup>80</sup> *Congressional Globe*, 2nd Session, 28th Congress, p. 104.

<sup>81</sup> *Congressional Globe*, 2nd Session, 28th Congress, p. 104.

<sup>82</sup> *Congressional Globe*, 2nd Session, 28th Congress, p. 274.

cluded the area from the Mississippi on the east to the Missouri on the west) were the rightful boundaries of the proposed State of Iowa.

Mr. Samuel F. Vinton of Ohio, one of the ablest men in Congress, forcibly urged Mr. Duncan's amendment, declaring that the political interests of the West were injured by dividing the western Territory into large and over-populous States, while the eastern States were small, thus giving the eastern States greater power in the Senate; and he appealed to the western people to check this tendency to deprive them of their just representation.<sup>83</sup> This argument was tacitly understood to include also the unexpressed argument that since Texas, with an area large enough for five slave States had been annexed, the free northwestern territory should produce as many free States. And so, without much debate the bill as amended passed by a large majority admitting Florida as a single State and Iowa with reduced boundaries.<sup>84</sup> Congress was too engrossingly occupied at this time with the vexing troubles connected with the annexation of Texas and the conflict with Great Britain over the Oregon question to give any more than a passing notice to the Iowa-Florida Bill, for it embodied a congres-

<sup>83</sup> *Congressional Globe*, 2nd Session, 28th Congress, p. 273.

<sup>84</sup> *United States Statutes at Large*, Vol. V, p. 742.

"By a slave-monger trick, the admission of the two territories of Iowa and Florida was included in one bill."—*Memoirs of John Quincy Adams*, Vol. XII, p. 164.

"The admission of Iowa and Florida had to be determined in reference to this all-devouring question of National Politics [slavery]".—Shambaugh's *History of the Constitutions of Iowa*, p. 245.

"To gain an entrance into the union, free young strong Iowa, had to submit to having strapped to her back Florida, which the curse of slavery had made old in infancy."—Von Holst's *Constitutional History of the United States*, Vol. III, p. 141.

"It would seem strange that two territories so different in age, so distinct from each other, so antagonistic in natural features and political institutions . . . should come into the union by a single act."—Benton's *Thirty Years' View*, Vol. II, p. 660.



sional principle of slave and free State representation that had already been settled.

Immediately after the passage of this bill in March, 1845, Dodge addressed a letter to the people of Iowa which was printed in the Territorial newspapers.<sup>85</sup> In this letter he reviewed his attempt to prevent the reduction of Iowa's boundaries and the abrupt opposition of Mr. Duncan, Mr. Vinton, and other northern members. He further declared that no matter what might be the decision of the people in the coming April election, on the ratification or rejection of the Iowa Constitution,<sup>86</sup> they could not expect "one square mile more" for the new State. Unfortunately in this letter Dodge did not say exactly what the boundaries proposed by Congress were. At the April election the proposed Constitution was rejected, both because of opposition to the Constitution and because of uncertainty in the mind of the people concerning the exact boundaries proposed by Congress.

At the August election Dodge was returned to Congress as Delegate, although there was much opposition to him on account of his March letter advising the acceptance of the congressional boundaries. The Whigs had denounced him for "taking sides with Congress in the mutilation of our Territory" and had pressed their accusation with much vigor.<sup>87</sup> In the campaign leading up to the August election Dodge was forced to take an aggressive part and to defend himself against this vigorous attack of the Whigs. In his speeches he promised the people (who seemed now very determined not to accept admission into the Union until

<sup>85</sup> Reprinted in Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 231-235.

<sup>86</sup> *Laws of Iowa*, 1844, p. 15.

<sup>87</sup> *Iowa Territorial Gazette and Burlington Advertiser*, Vol. VIII, June 21, 1845.



they were allowed all the area from the Mississippi to the Missouri and who ignored the vital national problems involved) that he would go to Congress, if elected, determined to insist again on the larger boundaries.

At the next session of Congress (1845-46) Dodge took matters into his own hands, and at an early day he introduced a bill defining the boundaries of Iowa.<sup>88</sup> But this new business was laid aside for the discussion of Texas affairs, hostilities with Mexico, and the Oregon question, which were the vital questions of the day. Indeed, war with England upon the Oregon boundary seemed imminent. The demand for "the whole of Oregon or none, with or without war with England" was carried into the Senate and into the House, where the resolution to settle the question immediately with England was championed by Stephen A. Douglas.<sup>89</sup> The Oregon question was one of the few great national problems in which the people of Iowa and Wisconsin seem to have been deeply interested. Naturally they appreciated, more than did the East, the immense value of the great Northwest. And they realized that the securing of it would give more power to the Middle West. Part of this interest was also due to personal reasons, for many friends and neighbors of many Iowa and Wisconsin settlers had migrated to the Oregon region, trusting that it would eventually be acquired by the United States.

It was in the midst of this protracted debate in the House that Dodge on February 7, 1846, gained the floor and addressed the members for an hour. He explained carefully in the beginning of his speech that he thus departed from the usual custom of Delegates, which was to speak only on questions that directly related to the Territories they represented, because the Oregon question was one which con-

<sup>88</sup> *Congressional Globe*, 1st Session, 29th Congress, p. 86.

<sup>89</sup> *Congressional Globe*, 1st Session, 29th Congress, p. 258.

cerned the future of Iowa and other western lands.<sup>90</sup> His speech probably had no great effect, at least not greater than that of the other speeches delivered in the long session of fourteen hours that day, but it indicates how well established Dodge was in Congress. In obtaining permission to speak on this subject he was allowed to disregard the old precedent established by William Henry Harrison which limited Delegates to the discussion of those subjects only which immediately concerned their own Territories. In later congressional history the precedent of Delegates restricting their debate has been so closely followed, that today he would be a bold Delegate indeed who would attempt to discuss, for instance, such a general subject as the Philippine tariff.

There is one other feature of Dodge's speech which is worthy of mention, namely, its defense of the Oregon pioneers and, indeed, of all western pioneers, in reply to some provoking remarks by eastern members concerning the "lawless character" of the Oregon frontier population. In particular, this reply was addressed to Mr. John S. Pendleton of Virginia, who on the floor of the House on January 26, 1845, had sarcastically referred to the Oregon people as our "patriotic pioneers".<sup>91</sup> He charged them with "disregarding the influences that bind ordinary men to the places of their nativity, by snapping recklessly the ties of blood, and kindred, and social connexions", and he strongly urged that the United States was by no means bound to protect such "restless and wayward wanderers".

Similar views of the character of the western pioneers were entertained by not a few Congressmen and by many of the conservative eastern people. Some New Englanders looked upon all settlers as a "lawless rabble", and as

<sup>90</sup> *Congressional Globe*, 1st Session, 29th Congress, Appendix, p. 344.

<sup>91</sup> *Congressional Globe*, 1st Session, 29th Congress, Appendix, p. 144.

“government land robbers”, and “fugitives from justice”. In the Senate, Mr. Thomas Ewing of Ohio for years harshly criticised them, charging them as given to constant conflicts and murders and as professional squatters on public domain.<sup>92</sup> Even Clay and Calhoun some ten years previous to this time stated that they were informed that “the Iowa country had been seized upon by a lawless body of armed men.”

In the face of such hostile opinions concerning the morals, intelligence, and motives of the men and women who left the East to make new homes in the uncultivated West, a defense of their character by one of their own number in the legislative halls of the Nation was both unique and instructive. Delegate Dodge spoke with personal feeling and pride. For two generations the Dodge family had been pioneers in the Mississippi Valley. The grandfather of the present Delegate established a farm near Ste. Genevieve in 1788 or 1789 and shipped his produce to New Orleans by river-boats. His son, Henry Dodge, mined lead in the Galena mineral district of Illinois, and served as the first Territorial Governor of Wisconsin. Thus the grandson, Augustus Caesar Dodge, born and raised among western pioneers, could speak of them as his own people and with authority. In speaking of his father, Governor Henry Dodge, he said:

The first official documents I ever remember to have heard, were read at my father's log cabin, by the officers and agents of the United States, to himself and neighbors, who had assembled to hear them. They were mandates, commanding us . . . not exactly to disperse, but to withdraw from the country in which we had settled, under the general pains and penalties . . . of expulsion at the point of the bayonet. But, sir, we did not go. We treated the officers with every civility in our power, and informed them that any *other* order they might issue, than one to abandon

<sup>92</sup> For example see *Congressional Debates*, 2nd Session, 24th Congress, Vol. XIII, pp. 535-550.



the premises upon which we had settled, should be promptly obeyed. Owing to our interior position and the rigors of the climate, at the time of which I now speak, these settlers were not marched upon by the regular soldiers, but maintained their position. Many of them now own the land upon which they were then squatters, and the country is densely populated — the inhabitants having defended it, through two Indian wars, are now industriously engaged in developing its resources, both agricultural and mineral.<sup>93</sup>

Later, turning towards the seat of Jefferson Davis, Dodge said that his “gallant and esteemed friend and talented Representative from the State of Mississippi [Jefferson Davis], who was then an officer in the army, and at the head of a military force, expelled some three hundred of my constituents from the spot where now stands the city of Dubuque, with a population of nearly three thousand inhabitants. It was to my friend the performance of an unwelcome duty, kindly and courteously executed by him, for his sympathies were all with the frontier people.” And to this remark the reporter of the *Congressional Globe* added that “Mr. Davis nodded assent”.

In the meanwhile Dodge continued to press the matter of boundaries for the proposed State of Iowa before the Senate and House committees. On March 27, 1846, Stephen A. Douglas, chairman to the Committee on Territories, reported a bill amendatory to the bill defining the boundaries of Iowa as introduced by Dodge. It adopted practically the same boundaries as proposed by the Territorial Constitutional Convention of 1844, save that the northern boundary should be the parallel of 43 degrees and 30 minutes.<sup>94</sup> A month later another constitutional convention was called in Iowa. It possessed a copy of the bill proposed by Douglas; and concerning its provisions the Presi-

<sup>93</sup> *Congressional Globe*, 1st Session, 29th Congress, Appendix, p. 345.

<sup>94</sup> *Congressional Globe*, 1st Session, 29th Congress, p. 562.



dent of the convention and Dodge entered into correspondence.

On June 8, 1845, the Douglas Bill was called up among other Territorial bills, and Douglas warmly supported it in the Committee of the Whole House, saying that the boundaries proposed at the last session of Congress were "the most unnatural; the most inconvenient for the State itself, and leaving the balance of the territory in the worst shape for the formation of other new States".<sup>95</sup> Members from Massachusetts and New York, besides the astute and able debater, Mr. Vinton of Ohio, strongly opposed giving Iowa so large an area. Dodge replied at length and read a letter from the President of the Iowa Territorial convention then in session, stating that the convention had by vote agreed to accept the boundaries proposed by the Committee on Territories.<sup>96</sup> When Dodge had concluded, Mr. Vinton artfully moved an amendment fixing the 43rd parallel as the northern boundary. Whereupon, after Douglas had briefly rejoined, Dodge again rose and, as the congressional reporter noted, "speaking under obvious excitement", upbraided Mr. Vinton for his constant attempts to take the people of Iowa "under his especial guardianship and control", and he concluded by stating that the people of Iowa would never acquiesce in the further reduction of their boundaries, even though it prohibited them from obtaining statehood. These remarks led to an explanation by Mr. Vinton and other members, after which the question being taken on Mr. Vinton's amendment it was lost.<sup>97</sup> A member from Missouri then moved an amendment that the boundaries be described in the exact language used by the Territorial Constitutional Convention, which amendment was

<sup>95</sup> *Congressional Globe*, 1st Session, 29th Congress, p. 938.

<sup>96</sup> *Congressional Globe*, 1st Session, 29th Congress, Appendix, p. 668.

<sup>97</sup> *Congressional Globe*, 1st Session, 29th Congress, p. 941.

agreed to, and the bill thus amended was passed the next day.<sup>98</sup> The bill passed the Senate a few days later and was approved August 4, 1846.<sup>99</sup>

Before the session closed Dodge made a last attempt to pass the bill for paying the Iowa militia in the Missouri-Iowa boundary unpleasantness, but the sensible objections of Mr. Vinton and others caused it to be rejected. The long continued controversy over the Missouri-Iowa boundary was, however, definitely concluded at this session; for a section was added to the bill defining the boundaries of Iowa which referred the dispute to the Supreme Court of the United States "for adjudication and settlement".<sup>100</sup>

At the August election of 1846 the people of Iowa adopted the Constitution drawn up by the convention which met in May, 1846, and by which the boundaries proposed in the Douglas Bill were accepted. At the opening of the next session of Congress in December, 1846, Dodge was in attendance ready to present the new constitution to Congress and to hasten the act declaring Iowa a State. Through Mr. Douglas, he secured the immediate attention of the House and with little debate, although some would have liked to debate it, an act was passed, December 19, 1846, declaring Iowa admitted as a State.<sup>101</sup> Dodge arranged to have the bill hurried through the Senate. On December 28, 1846,<sup>102</sup> when the bill was approved by the President, Iowa became a State and the services of Augustus Caesar Dodge as Delegate to Congress from the Territory of Iowa ceased.

Thus for ten years previous to the admission of Iowa into the Union as a State, the Iowa country was represented

<sup>98</sup> *Congressional Globe*, 1st Session, 29th Congress, p. 948.

<sup>99</sup> *United States Statutes at Large*, Vol. IX, p. 52.

<sup>100</sup> Decision of the Supreme Court, 7 Howard 660.

<sup>101</sup> *Congressional Globe*, 2nd Session, 29th Congress, p. 57.

<sup>102</sup> *United States Statutes at Large*, Vol. IX, p. 117.

in Congress by a Delegate — from 1836 to 1838 as a part of the original Territory of Wisconsin, and from 1838 to 1846 as the Territory of Iowa. During this short period the population of Iowa increased remarkably. In 1836 there were 10,531 people in the Iowa country, and in 1846 the number in Iowa was 102,388.<sup>103</sup> These people, coming from all parts of the Union, had been attracted by the fertile lands open for settlement. The first public land sales were held by the government at Dubuque and Burlington in November, 1838, when forty-seven townships in the eastern part of the Territory were proclaimed for sale. On each following year large tracts of public lands were opened for entry and sale and were acquired by Iowa settlers, not only in eastern Iowa, but further and further west toward the Missouri River.

The Delegates then represented settlers in a new country. The business which these Delegates brought before Congress was similar to that of the other western Territories. It included the presentation of petitions and memorials, the securing of legislation on preëmption rights, the survey and sale of the public lands, appropriations for public buildings, for roads, and bridges, and for the Territorial government, and the private claims of various constituents.

A study of the Territorial Delegates to Congress presents the connecting link between the local Territorial government on the one hand, and the national government at Washington on the other; for these Delegates carried to Congress the opinions, wishes, and claims of the people of their Territory, and after the session adjourned they returned to the people prepared to state the congressional attitude on Territorial questions. The usefulness of such

<sup>103</sup> *The First Census of the Original Counties of Dubuque and Des Moines*, edited by Benj. F. Shambaugh; *Census of Iowa, 1905*, p. xvii.

Delegates may be summed up under three heads: (1) to present to Congress the views of the inhabitants of the Territory, especially if their view on a Territorial measure differed from that of Congress; (2) to call the attention of Congress to Territorial matters; and (3) to take charge of Territorial business and private claims before the committees.

Thus in shaping the congressional policy on any Territorial matter the Delegate had great opportunities, but when it came to a decision on any question the Delegate had no power whatever because he was not accorded the right of voting. The Delegate was neither a representative, nor was he a lobbyist. He possessed the privilege of speaking on the floor of the House. He was recognized as the legal agent of the Territory, and as such received marked attention by the House and by the Senate committees.

The three Delegates who represented Iowa performed the functions of the office in much the usual way. Their history is practically the same as that of the Delegates from the earlier Territories of Michigan, Illinois, and Indiana, and it has been repeated by the Delegates from Minnesota, Dakota, and Oregon. Concerning the three Iowa Delegates, George Wallace Jones, William W. Chapman, and Augustus Caesar Dodge, little would be accomplished by an exhaustive comparison of their services, for each in his own way represented the Territory with great sincerity and faithfulness.

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## PROPOSED CONSTITUTIONAL AMENDMENTS IN IOWA—1836-1857

Students of the constitutional history of Iowa find considerable interest in the large number of amendments to the fundamental law which were proposed but not accepted. To be sure a discussion of "what might have been" in political history is obviously useless and productive of little but idle speculation. But in the field of constitutional history an investigator need not be deterred by such a criticism: knowing that the Constitution of the State of Iowa is an evolutionary growth, he is able to throw additional light upon this fact by an attempt to enumerate and discuss proposed amendments which failed of acceptance in Territorial and State legislatures and in Congress.<sup>1</sup> The study of such a subject likewise illustrates the difficulty of altering the fundamental law; and the partisan of flexible constitutions will doubtless point to it as an object lesson for those who do not advocate his principles, and he will, with a sense of keen satisfaction refer to it as an example of what he means by "rigidity".

For the purposes of this paper it is not necessary to consider the Organic Law of the Territory of Michigan, the first constitution under which inhabitants of the Iowa country lived. During the first three years of their occupation of the newly opened lands, settlers were chiefly engaged in the conquest of nature. Furthermore the Legislative Assembly of the Territory of Michigan in which the Iowa

<sup>1</sup> *Constitutional Amendments in the Commonwealth of Iowa* is the subject of an article written by Dr. F. E. Horack. Only amendments actually adopted receive consideration in this article.—See the *Iowa Historical Record*, Vol. XVI, No. 2.

country was represented in January, 1836, did little more than urge Congress to establish the separate Territory of Wisconsin. Starting with the year 1836, when Iowa pioneers came under the jurisdiction of the government of the Territory of Wisconsin and actually numbered about half of the population, the matter of constitutional amendments first attracted the attention of the legislators assembled at Belmont.

Almost immediately after the House of Representatives and the Council of the first Legislative Assembly had completed their organization, a movement was started to obtain certain modifications of the Organic Law. The lower house passed a resolution instructing its Committee on Territorial Affairs to memorialize Congress to grant such alterations as the situation and circumstances seemed to require.<sup>2</sup> The Council, or upper house, resolved to appoint a committee of five, consisting of one member from each county, to propose such amendments as to them might appear expedient.<sup>3</sup> Neither of these committees appears to have taken the first step in proposing modifications, for the house Committee on the Judiciary took action on the subject of securing from Congress the appointment of two additional district attorneys, as will be shown later.

Of the fairly numerous amendments proposed during the Territorial period, none recurred with such frequency as the one which sought to enlarge the jurisdiction of justices of the peace. This shows rather clearly that the prompt administration of justice was one of the chief needs of the early settlers. The first labor of the Legislative Assembly, therefore, lay in the direction of enabling litigants to secure

<sup>2</sup> *Journal of the House of Representatives*, 1836, p. 30.

Congress alone can change the Constitution of a Territory, and seldom does so, except in answer to a memorial from the Territorial legislature.

<sup>3</sup> *Journal of the Council*, 1836, pp. 28, 30.

easier access to the local courts of law. By the Organic Law justices were permitted to officiate in civil cases when the value of the property or the debt or sum claimed did not exceed fifty dollars. The Council committee, very wisely no doubt, urged that such a limitation would work great inconvenience to the citizens inasmuch as district courts were "held at places so remote from many settlements in the extensive counties of Wisconsin" as to compel the parties "to travel from thirty to eighty miles in order to commence and prosecute their suits." Consequently the Council resolved that the Legislative Assembly should make application to Congress to amend the Organic Law so as to give justices of the peace jurisdiction in cases involving not more than one hundred dollars.<sup>4</sup>

When this resolution came before the House of Representatives it was ordered to lie on the table, but was reconsidered later when the House concurred in its provisions. Whether it received Governor Dodge's approval is uncertain—at any rate it seems to have been despatched to Washington where the houses of Congress instructed their committees on the Judiciary "to inquire into the expediency of so amending the act establishing the Territorial Government of Wisconsin, as to authorize the appointment of two additional attorneys; and that the committee also inquire into the expediency of authorizing . . . the extension of the jurisdiction of justices of the peace."<sup>5</sup> The first recommendation contained in this resolution was referred to above as having commanded earliest attention in the Territorial House of Representatives, though it seems never to have taken the shape of a joint memorial adopted

<sup>4</sup> *Journal of the Council*, 1836, pp. 37-38.

<sup>5</sup> *Journal of the House of Representatives*, 1836-37, pp. 54, 56; and *Journal of the United States House of Representatives*, 1836-37, p. 69; and *Journal of the United States Senate*, 1836-37, p. 50.



by both houses. When the Committee on the Judiciary reported a bill embodying the foregoing provisions, the Senators refused to give the measure their support,<sup>6</sup> and so the matter rested for nearly four years. It was characteristic of Congress in those days not to treat Territorial affairs with that consideration which they merited, chiefly because pioneers of the West were mentioned and thought of by many of the members in terms of reproach and dishonor, and besides, the press of national business was so tremendous as to exclude very largely the needs of the people who lived upon the confines of civilization.

Two other amendments were proposed during the first session of the Council of the original Territory of Wisconsin. Instructions were given the Committee on the Judiciary to consider the propriety of memorializing Congress on the subject of amending the ninth section of the Organic Law so as to abolish a county commissioners court. Reference to the section noted fails to identify the court. It is difficult, therefore, to discern just what was wanted, though it may have been the repeal of a law of the Territory of Michigan establishing county courts; and perhaps the Council formed the same conclusion, since the resolution was placed upon the table and was never heard of again.<sup>7</sup>

A change of more far-reaching importance was proposed in a lengthy preamble and resolution relative to elections and the suffrage. Pursuant to a provision of the Organic Law members of the Council and the House of Representatives had been elected for four and two years, respectively; but circumstances were rapidly producing new conditions, for as the preamble has it, "the tide of emigration flows to this Territory, with unabated force, in the vernal and autumnal seasons of every year, and the citizens who thus

<sup>6</sup> *Journal of the United States Senate*, 1836-37, pp. 205, 288.

<sup>7</sup> *Journal of the Council*, 1836, p. 38.



arrive and locate themselves in Wisconsin, can not exercise the right of suffrage till the end of the quadrennial period in relation to the Council, nor till the end of the biennial period in relation to the House of Representatives." Newcomers were thus compelled to obey laws enacted by a body in whose election they had had no voice. In justice to these citizens, therefore, and "with a view to public order and tranquillity", it was proposed that Congress be asked to provide for biennial elections of Council members and annual elections of House members. The resolution failed of acceptance and was tabled "until the 4th of July next", which meant that for the time being at least the matter would be dropped.<sup>8</sup>

During the next session of the Legislative Assembly held at Burlington another attempt was made to revive the question of more frequent elections. In fact the House of Representatives declared that the people were dissatisfied and that "the power vested in them of selecting their own representation" should revert to them so that each branch of the legislature might be renewed or re-elected twice as often as the Organic Law allowed.<sup>9</sup> The Council paid no attention to this appeal; but when Congress passed an act organizing the new Territory of Iowa provision was made for the annual election of members of the House and the biennial election of members of the Council.<sup>10</sup>

<sup>8</sup> *Journal of the Council*, 1836, p. 62.

It is worthy of note that a member from Des Moines County introduced the resolution and a member from Milwaukee County secured its consignment to the table. In the Territorial legislatures of Wisconsin, Council and House members from the two original Iowa counties, Demoiné and Du Buque, numbered six out of thirteen and twelve out of twenty-six respectively. Hence if they wished to carry any measure of advantage to their constituents who dwelt in the Iowa country, they might be outvoted by members who probably represented the then less populous district of Wisconsin.

<sup>9</sup> *Journal of the House of Representatives*, 1837-38, p. 227.

<sup>10</sup> The new Organic Law of the Territory of Iowa resembled the old Consti-

No greater activity and zeal in the interest of amending the Organic Law was manifested than during the first three sessions of the Legislative Assembly of the new Territory of Iowa. A variety of subjects came up for the consideration of both houses: the Council authorized a select committee to propose such amendments as appeared expedient,<sup>11</sup> while the House of Representatives instructed its Committee on the Judiciary to memorialize Congress if necessary on the subject of extending the jurisdiction of justices of the peace to cases involving one hundred dollars or less.<sup>12</sup> Although no definite action was taken in this important matter until the following year, it may be well to trace the fortunes of the amendment whenever it was proposed during the Territorial period.

In a memorial to Congress the legislature asserted emphatically that inhabitants of the Territory of Iowa suffered great inconvenience and in many cases actual loss because justices of the peace had jurisdiction only in cases involving fifty dollars or less. Indeed, under such restrictions it was deemed preferable for those who had a good and just cause of action, when the amount involved was larger, "to submit to the loss, and neglect to enforce the claim, than to seek redress in a court of record, thereby subjecting themselves to the expense and trouble of traveling in . . . many cases twenty or thirty miles to a place where the court is held, and all the expense incidental to prosecuting a suit to final judgment."<sup>13</sup>

tution of the Territory of Wisconsin very much in form and contents. None of the other amendments proposed during the Wisconsin period was embodied in the Constitution of the new Territory.

<sup>11</sup> *Journal of the Council*, 1838-39, p. 27.

<sup>12</sup> *Journal of the House of Representatives*, 1838-39, p. 42.

<sup>13</sup> *Journal of the House of Representatives*, 1839-40, pp. 45, 54, 57, 75, 250; and *Journal of the Council*, 1839-40, pp. 54, 57, 60. Other references to the jurisdiction of justices of the peace are made in *Journal of the House of Rep-*

From the year 1838 onward congressional interest in Iowa constitutional questions may be evinced by the fact that the Organic Law was actually amended in two very important respects;<sup>14</sup> and no other Iowa business received so much space in the journals of Congress as the proposal to enlarge the jurisdiction of justices of the peace. The memorial quoted above was presented to the Senate of the United States by the Vice President and then entrusted to the Committee on the Judiciary.<sup>15</sup> In the House of Representatives a bill passed two readings but never appeared before a Committee of the Whole House, as had been contemplated.<sup>16</sup> Then followed an adverse report of the Senate Committee on the Judiciary: opposition to the memorial rested largely on a general assumption that a justice court was not fully competent to administer the law. Professional men were excluded from an office which rendered the incumbent such small emolument, or in words of the report: "Our justices of the peace are seldom very intimately acquainted with the common or municipal law; they are generally taken from the various pursuits of life, selected from the great mass of their fellow-citizens for their honesty and probity and not for their legal qualification to fill the station." Under the desired law there would arise much danger of illegality and appeals to higher courts and consequently ruinous costs to be borne by the losing party.

The Committee concluded its report with the humble

*representatives*, 1840-41, pp. 73, 78, 83, 97, 298; 1841-42, p. 161; and 1842-43, p. 115. *Journal of the Council*, 1840-41, p. 44.

<sup>14</sup> One amendment stripped the Governor of an unconditional veto power, and the other deprived him of the power to appoint sheriffs, judges of probate, justices of the peace, and county surveyors. Henceforth a bill disapproved by the executive might still be passed by a two-thirds majority in each house. The officers mentioned became elective.

<sup>15</sup> *Journal of the United States Senate*, 1839-40, p. 85.

<sup>16</sup> *Journal of the United States House of Representatives*, 1839-40, p. 507.



declaration that if the view taken were erroneous, "little injury can result to the people of Iowa, as the law in question and all other laws of the Territory, will shortly be subjected to their action, under a constitutional form of government."<sup>17</sup> Nevertheless a bill embodying the wish of the Iowa Legislative Assembly passed the Senate but failed of approval in the House of Representatives.<sup>18</sup> During the next session of Congress a similar bill underwent two readings in the Senate — in both houses it was referred to the committees on the Judiciary, and its death was postponed until the House committee was discharged after presenting an unfavorable report.<sup>19</sup>

Relations between the executive and the legislature during Governor Robert Lucas's incumbency could hardly be described as pleasant and pacific. The Governor offended his Democratic friends whenever he undertook to follow his own convictions: his frequent use of the veto and his independent exercise of the appointive power naturally aroused the hostility of men who had been accustomed to the methods of State governments. Finally the Legislative Assembly forwarded to Congress resolutions condemning in strong terms such provisions of the Organic Law as were at variance with the principles of Democracy; but even when Congress had complied with requests for alterations in the two respects above noted, the Territorial legislature proposed a more revolutionary measure. As early as the first session of the Council instructions had been given the Committee on Territorial Affairs to inquire into the expediency of memorializing Congress to permit the people of the Territory of Iowa to elect their own Governor and Sec-

<sup>17</sup> *Journal of the United States Senate*, 1840-41, pp. 63, 76.

<sup>18</sup> *Journal of the United States Senate*, 1840-41, pp. 81, 196, 200.

<sup>19</sup> *Journal of the United States Senate*, 1841-42, p. 17; and *Journal of the United States House of Representatives*, 1841-42, p. 86; and 1842-43, p. 482.



retary, while both officers should still be commissioned by the President. The second Legislative Assembly passed a joint resolution requesting the Territorial Delegate in Congress to obtain the passage of a law granting the right of popular election of Governor. Similar action was taken by succeeding Legislative Assemblies.<sup>20</sup>

Reference to the journals of Congress reveals the fact that both Vice President and Speaker presented to their respective houses a resolution "to procure the passage of a law authorizing the election of the Governor of the Territory by the people, after the term of the present incumbent shall have expired." This project seems to have savored too much of radicalism, and Congress never took kindly to the agitation, to which the Senate and the House committees on the Judiciary finally put an end by failing to make any report.<sup>21</sup>

As noted above, the Legislative Assembly procured from Congress the popular election of such local officers as sheriffs, judges of probate, justices of the peace, and county surveyors. But even this extensive privilege did not produce entire satisfaction among the electorate. All militia officers except those of the staff were still appointed by the Governor with the Council's advice and consent, and clerks of the district courts owed their appointments to the judges. Immediate modification of the Organic Law so as to confer on the people the privilege of electing those officers would "accord more fully with the spirit of our liberal institutions. . . . Such has been the privilege heretofore extended to other territories, and I know of no cause which

<sup>20</sup> *Journal of the Council*, 1838-39, p. 113; 1839-40, p. 149; and 1840-41, pp. 107, 110, 114. *Journal of the House of Representatives*, 1839-40, pp. 201, 205; 1840-41, pp. 100, 104, 118, 131, 143, 166, 172, 308; and 1842-43, p. 115.

<sup>21</sup> *Journal of the United States Senate*, 1839-40, p. 185. *Journal of the United States House of Representatives*, 1839-40, p. 1002; and 1841-42, pp. 83, 86.

should prompt Congress to refuse a like extension of that privilege to us.”<sup>22</sup>

The liberty of electing militia officers was unsuccessfully advocated by the Council. In a resolution adopted by that body it was provided that a prospective candidate for a military office should first obtain from the commander-in-chief a certificate of confidence in the individual's valor. The measure failed on third reading in the House of Representatives, and except for a subsequent announcement of its re-introduction in that body the matter never came up again.<sup>23</sup>

Of rather more significance in the history of local government were the attempts to procure popular election of clerks of the district courts. To this end a resolution succeeded in the Council, though an amendment failed, compelling candidates before election to obtain certificates from the judges of the district courts that they were qualified to discharge the duties of the office. The measure met with favor if we may judge from editorial comment: “When we consider the difficulties which have arisen and are likely to arise, the dissatisfaction created by the appointments and removals made by Judges, we cannot help thinking that the alteration. . . . will meet the wishes of the people. . . . And inasmuch as the Clerks are county officers, and transact business for the people generally, we see no impropriety in permitting the people to elect their own clerks.”<sup>24</sup>

Unfortunately for the good intentions of the Council, the House of Representatives concurred in the hostile

<sup>22</sup> *Fort Madison Patriot*, July 4, 1838.

<sup>23</sup> *Journal of the Council*, 1838-39, p. 113; and 1840-41, pp. 42, 50, 67, 71. *Journal of the House of Representatives*, 1840-41, pp. 89, 90, 93, 98; and 1841-42, p. 160.

<sup>24</sup> *Iowa City Standard*, December 11, 1840.

recommendation of its Committee on Territorial Affairs. Two years later similar action by the Council precipitated a lengthy conflict between the houses. After two readings the House of Representatives referred the Council resolution to its Committee on the Judiciary which reported favorably but tacked on certain amendments providing for the concession of popular election of Governor and Secretary and enlarging the jurisdiction of justices of the peace. The amended measure was approved and referred to a second committee, was returned with an additional amendment relative to the per diem allowance for service employed by members of the Legislative Assembly, and in this form gained adoption in the House of Representatives. But the Council refused to accede even when the House insisted. Both houses thereupon appointed committees of conference — Councillors remained obdurate in spite of a favorable report and Representatives adhered to their amendments, so that the whole business ended in a deadlock.<sup>25</sup>

Two amendments of minor importance were proposed in the first Legislative Assembly. A resolution relative to an increase in the daily compensation of legislators was introduced and immediately rejected; and though another resolution of the House of Representatives instructing William W. Chapman, the Territorial Delegate in Congress, to use his influence to secure more pay for members of the Territorial legislature was adopted, nothing further was done along this line.<sup>26</sup> The Organic Law made no provision for the salary of a Supreme Court reporter, and inasmuch as

<sup>25</sup> *Journal of the Council*, 1840-41, pp. 40, 49, 60; and 1842-43, pp. 27, 30, 32, 71, 77, 78, 84, 93, 94, 97. *Journal of the House of Representatives*, 1840-41, pp. 75, 78, 81, 101; and 1842-43, pp. 63, 67, 68, 113, 115, 117, 126, 128, 132, 141, 142, 147, 162, 187, 191, 192, 193.

<sup>26</sup> *Journal of the House of Representatives*, 1838-39, pp. 192, 216.



reports of decisions of that tribunal were absolutely necessary for legislators and people alike, Mr. Chapman was accordingly urged to use his exertions to obtain four hundred dollars annually as compensation for the reporter's important services; but Congress seems to have taken no final action in the matter.<sup>27</sup>

This completes the discussion of amendments proposed prior to the adoption of the State Constitution of 1846.

During the whole Territorial period there had been continual agitation for the establishment of State government, rather as an end in itself than as a sign of opposition to the Organic Law or dissatisfaction with the Territorial government. The question of holding a constitutional convention had been defeated twice by the people, and the proposed Constitution of 1844 had been twice rejected before the principles of the Democratic party were successfully embodied in the first State Constitution. But the struggle between rival political parties did not end here: Democrats may have controlled both constitutional conventions and actually established their regime for nearly a decade of the State's history, but nothing dismayed the Whigs whose chief ideas permeate the Constitution of 1857. In vain had one editor declared that interests and principles were involved which made it necessary that all classes and all parties should be represented in a constitutional convention: if party lines were drawn nothing could be anticipated but distraction and want of harmony, "all local interests would be lost sight of and the monster Party would begin to reign before his time in this fair Territory."<sup>28</sup>

The intensely bitter rivalry which existed between Whigs

<sup>27</sup> *Laws of the Territory of Iowa, 1838-39*, p. 554. *Journal of the Council, 1838-39*, p. 141. *Journal of the United States Senate, 1839-40*, p. 137; and *Journal of the United States House of Representatives, 1839-40*, p. 404.

<sup>28</sup> *The Iowa Patriot*, June 27, 1839.



and Democrats during the latter years of the Territory, nevertheless, continued to thrive after the latter were established in power. They had successfully opposed the establishment of banks and corporations (except those for political and municipal purposes) in Iowa, but the Whigs were still actively engaged in the propagation of their views: it was unnecessary to remind them of a time when they had resolved that members of the next legislature should appear "clad in Iowa Manufacture".<sup>29</sup> Such rare evidence of a desire to encourage home industry was characteristic of Whig policy. There is no doubt but that at the bottom of all agitation for a revision of the Constitution of 1846 lay the Whig desire to develop the natural resources of the Commonwealth, to invite capital and encourage labor so that Iowa might become a great producing and manufacturing State.<sup>30</sup>

The history of proposed amendments for the years 1846-1857 is, therefore, an account of numerous attempts to get the question of a Constitutional Convention before the electorate. To revise or amend the Constitution had been made unusually difficult: an act of the legislature must first provide for a vote of the people for or against a convention; then at the next ensuing election for members of the General Assembly (in case the vote favored a convention), the General Assembly must provide for an election of delegates to a convention to be held within six months after the vote of the people in favor thereof.

In the First General Assembly of Iowa a bill was proposed in the House of Representatives to provide for the expression of the people upon amendment, and after a motion to indefinitely postpone and a minority report of the Committee on Elections to reject, the bill was passed and

<sup>29</sup> *Journal of the House of Representatives*, 1842-43, p. 25.

<sup>30</sup> *Davenport Gazette*, July 3, 1845.

forwarded to the Senate, where a majority of two voted to postpone indefinitely.<sup>31</sup> A Whig newspaper called attention to this action of the legislature to prevent the revision or amendment of "our Loco constitution" — surely it was a bold position for men who professed to be ultra-democratic in their politics to assume that the people should not have the privilege of amending their constitution.<sup>32</sup>

The Constitution had been accepted "purely from motives of expediency and with a tacit understanding that it was to receive some slight amendments as soon as they could be constitutionally and legally made." It was believed that the failure of electors to petition influenced a sufficient number of legislators to vote against the bill, and hence it was considered proper for public meetings in every county, town, and township to freely canvass the subject and specify the objectionable articles and sections of the Constitution, especially "the abominable fooleries" in relation to corporations and issue of bank notes: railroads, canals, and bridges could never be constructed in Iowa under the provisions of its Constitution.<sup>33</sup>

Before the general election of August, 1848, every elector was urged to cast his vote for that candidate for the legislature who professed to be in favor of revision, so that there would be no danger of a recurrence of that "aristocratic impudence" which had refused to let the people vote aye or no on this all-important subject. "Advocates of the stand-

<sup>31</sup> *Journal of the House of Representatives*, 1846-47, pp. 259, 275, 281, 297, 310; *Journal of the Senate*, 1846-47, pp. 227, 228, 229, 236.

<sup>32</sup> *Iowa City Standard*, March 3, 1847. The editor continues: "But thank God, the people can speak without asking permission of the representatives and in the name of *Liberty* we now call upon them to do it. Let every voter at the next township election, at the next August election, and at every election thereafter until their votes are regarded, write or print upon their tickets 'convention' or 'no convention' and let the Judges and Clerks dare to refuse a certificate of the voter for and against the measure."

<sup>33</sup> *Iowa City Standard*, January 5, 1848.

still-and-do-nothing policy" and "smooth-tongued politicians who profess to bow to the will of the people" were asked why the matter should be postponed another two years when it might now perhaps be settled once for all.<sup>34</sup> A Whig county convention passed a resolution which summed up the case very briefly: the State Constitution had been imposed upon the people by the wretched policy of a party; it had hindered the influx of capital and enterprise, and consequently the development of inexhaustible mineral resources, of great agricultural and manufacturing and commercial facilities; it was a burden to which the people would not long submit and therefore no candidate for the legislature should be supported who would not pledge his vote for a law referring the question of amendment to the people.<sup>35</sup>

In the General Assembly of 1848-49 the Whigs were not strong enough to take the first step: a bill to provide for revision was indefinitely postponed in the lower house, and the Senate passed a bill for an act to allow the people to express their opinion upon the subject of a convention to amend the Constitution. The following year a similar bill failed in the House,<sup>36</sup> and after two readings in the Senate was on motion referred to the Committee on Ways and Means which submitted majority and minority reports. The former report recommended indefinite postponement because such a law was not "expected, required or demanded" by the people who would otherwise have forwarded petitions to that end. And even when the subject became a direct issue at the August election for State officers and members of the General Assembly, the Whig idea of

<sup>34</sup> *Iowa City Standard*, April 12, 1848.

<sup>35</sup> *Iowa City Standard*, May 17, 1848.

<sup>36</sup> *Journal of the House of Representatives*, 1848-49, p. 376; and 1850-51, p. 308. *Journal of the Senate*, 1848-49, pp. 172, 195, 200, 202.



amending the Constitution was not sustained by a majority vote of the people. The Whig party had been opposed to an adoption of the Constitution, had continually shown their dislike of its provisions, and accordingly the small minority of Whigs in the General Assembly now sought to thrust the question upon the people and "if possible to excite local animosity and civil discord."

On the other hand it was urged that no expense would be incurred by submitting the question to the people at a general election, thus also obtaining "a full, definite and deliberate expression" of their will: the proposition was so reasonable and just, and in such accord with the principles of Democracy that it could not be denied that the popular will could be ascertained only by a direct vote of the people, and thus "in an inexpensive manner a vexatious and often exciting controversy" could be settled. The majority report, however, was adopted.<sup>37</sup>

The question of a constitutional convention underwent a thorough discussion in both branches of the Fourth General Assembly. Representatives favored amendment by a very large majority and Senators concurred, though a facetious gentleman took occasion to propose the following title: "A bill to authorize the advocates of exclusive privileges to destroy *that* safeguard of the *masses* and to build up a system of irresponsible corporations for the benefit of the 'rich and well born' and to crush the laboring poor of this State." But Governor Stephen Hempstead satisfied himself that the act was not "in accord with the spirit and intent of the constitution", and so vetoed the act. The legislature, however, not only voted by an overwhelming majority to abide by his decision but passed a second act against which the Governor could not urge the same objections. In the Sen-

<sup>37</sup> *Journal of the Senate*, 1850-51, pp. 168, 194, 239.



ate the following substitute title failed of adoption: "A bill to enable eight by ten politicians to become Pachas with five tails." This time Mr. Hempstead sought refuge in the criticism that in consequence of its indefinite provisions the act would end in misunderstandings and confusion, and besides he was more strongly than ever impressed with the belief that "it would be suicidal to part with a Constitution which throws around the people its protecting arm and places between them and crafty adventurers formidable obstacles to the acquisition of influence and power, which places them above the reach of that species of legislation which leads a State to bankruptcy and her citizens to degradation." In the lower house only a few votes were lacking to make a constitutional majority in favor of the act, the Governor's veto notwithstanding.<sup>38</sup> Although several petitions from citizens of Linn County were read before the General Assembly,<sup>39</sup> it was not until the next session that the measure was accepted in both houses by large majorities<sup>40</sup> and approved by Governor Grimes.

It is unnecessary to add more than that the people in August, 1856, voted in favor of a convention to revise or amend the Constitution. Delegates assembled at Iowa City in January, 1857, and the old Whig principles, already adopted and represented by the new Republican party, preponderated there to such an extent that the Constitution of 1857 when ratified by the people really amounted to a complete revision of the Constitution of 1846. A special amendment for the extension of the right of suffrage to ne-

<sup>38</sup> *Journal of the House of Representatives*, 1852-53, pp. 125, 137, 173, 182, 193, 209, 258, 264, 283, 291, 319, 328, 333, 343, 373, 376, 381, 412; and *Journal of the Senate*, 1852-53, pp. 35, 167, 170, 181, 191, 208, 271, 273, 291.

<sup>39</sup> *Journal of the Senate*, 1852-53, pp. 69, 80, 117.

<sup>40</sup> *Journal of the House of Representatives*, 1854-55, pp. 323, 336, 357, 420. *Journal of the Senate*, 1854-55, pp. 37, 54, 141, 159, 193, 251, 298, 303.

groes failed to meet with popular approval at this early date.<sup>41</sup> Amendments, therefore, which had been in the minds of reformers for nearly eleven years at last found expression in the State Constitution of 1857.<sup>42</sup>

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<sup>41</sup> Shambaugh's *History of the Constitutions of Iowa*, pp. 347, 352.

<sup>42</sup> For the important changes embodied in the new Constitution, see the *Iowa Historical Record*, Vol. XVI, No. 2.

## SOME PUBLICATIONS

*Wisconsin: The Americanization of a French Settlement.* By REUBEN GOLD THWAITES. American Commonwealths. Boston and New York: Houghton Mifflin Company. 1908. Pp. viii, 466. Map.

Between the coming of Jean Nicollet and Father Marquette and the Wisconsin of to-day there is a long story of one of the great American commonwealths. Nineteen chapters have been devoted thereto by a man endowed with both love and experience for the work of telling the narrative. The account traces the history of three national jurisdictions which have resulted in "the Americanization of a French settlement."

The first seven chapters prepare the way for the establishment of American dominion and influence. After Nicollet and Marquette had piloted the way to Wisconsin there came the era of French exploration and missionary effort. The Bible and the crucifix came to Wisconsin; trading posts were established and under the zeal of the *voyageurs* and the *coureurs de bois* the Indian trade and the commerce in peltries began. Soldiers came and forts were established to protect this growing trade.

Out of the disastrous Fox Indian wars there grew the decline of New France in Wisconsin. French occupation collapsed and the British régime began. Although Dr. Thwaites regards British influence as "negligible" he has devoted three long chapters to this era. "The British departed from our territory with regret," he writes, "and both Creoles and aborigines were equally reluctant to witness the advent of the 'Bostonnais' into their beloved land. It was recognized that Americans were quite out of tune with the easy-going methods of the people who had dominated Wisconsin for upwards of a century and a half."

Chapter IX entitled "Lead-Mining and Indian Wars" deserves special mention for the compact, clear, and judicious treatment

given it. Until 1822 mining in Wisconsin was intermittent, individual, and without system. In 1825 the Galena district became a lead-mining camp and the rush for the ore was so great that the return flow soon reached well up into Wisconsin. Furnaces were established, roads were laid out, houses and villages rose, and a great industry was established.

Rudely pushed aside by this enterprising population, the Indians soon showed their dissatisfaction, and Indian dangers grew into outbreaks and wars. The Winnebago and the Black Hawk wars followed. The latter with its dramatic incidents attracted wide attention: the Black Hawk Purchase was a direct result, land offices were opened, the lead-mine district again attracted miners and speculators, and agricultural communities multiplied and grew. In 1836 Wisconsin became a separate Territory.

By 1836 nearly 11,000 people were living in that portion of the Territory lying west of the Mississippi River which two years later was erected into the Territory of Iowa. In the chapter on "Territorial Pioneers" occur the names of such lawyers as James D. Doty, Henry S. Baird, and Morgan L. Martin. Ebenezer Childs and William Dickinson are names conspicuous in early trade and manufactures. Henry Dodge, miner, soldier, and politician, was the most widely known pioneer of the lead region.

Among economic influences in Wisconsin Dr. Thwaites justly pays tribute to the vast influence of the Teutonic settlements in the State. The development of natural resources is traced and the advent and growth of transportation is sketched. Other chapters describe the attitude of Wisconsin toward the great ante-bellum questions and its part in the war between the States. Another chapter on "Economic Development" is given to the discussion of industrial conditions and growth after the war. In the chapter on "Some Notable Contests" the author describes recent political, social, and industrial campaigns in the State.

In "Wisconsin To-day" are named the religious agencies and activities in the State; the educational system is described; the penal and charitable institutions are briefly mentioned; and reference is made to the various administrative boards and commissions of the State government. These agencies, concludes the author,



have made the State most markedly enterprising in the matters of popular education and the science of government. "Both intellectually and materially, she faces none but pleasing prospects."

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THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*Minnesota: The North Star State.* By WILLIAM WATTS FOLWELL. American Commonwealths. Boston: Houghton Mifflin Company. 1908. Pp. vi, 382. Map.

The histories of the Upper Mississippi Valley States closely resemble each other in their larger features. In each the first exploration was made by French adventurers, and "civilization"—of a sort—was first brought in by the representatives of the great fur-trading companies. In each, again, the rule of the fur-trader was somewhat abruptly followed by that of the pioneer with its characteristic incidents: the rapid influx of "settlers," Indian troubles, the fight for early statehood, the struggle for internal improvements, land "grabs," erratic public and private financiering, the beginnings of educational and civic institutions. After the stage of whooping cough and measles comes a period of astonishing development. Population goes forward by leaps and bounds. Railroads spread their net-work over the prairie, the wilderness is transformed into farmsteads, towns spring up over night and villages grow into cities with mushroom rapidity. While public attention is thus engaged in material development the crafty and unscrupulous take advantage of the situation to gobble up the richest resources of the State. Great corporations set at defiance the legislature which created them, "graft" runs riot and huge fortunes are acquired. To the storm and stress period succeeds that of maturity in which the people slowly resume control over public utilities, create a reasonably efficient system of education and make long strides in the direction of effective democratic government.

All this is well related by Mr. Folwell. In particular, the exact nature of the "public services" rendered by the distinguished high-

waymen who "financed" Minnesota's railroads, stole her timber, and appropriated her water power is made abundantly clear. Deserved attention is bestowed upon the growth of the public school system and of the great university with which the author was so long and honorably connected. Disproportionate space (nearly one-fifth of the entire text) is devoted to the Sioux outbreak and Minnesota's part in the Civil War. The early history is commendably curtailed. It might have been even more briefly treated to advantage. On the other hand the book would gain much by a fuller treatment of the rich social and economic history of the past twenty years.

E. H. DOWNEY

THE UNIVERSITY OF CHICAGO  
CHICAGO

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*Old Times on the Upper Mississippi — The Recollections of a Steamboat Pilot from 1854 to 1863.* By GEORGE BYRON MERRICK. Cleveland: The Arthur H. Clark Company. 1909. Pp. 323. Plates, map.

*Old Times on the Upper Mississippi* comes as an excellent shelf-mate for Hulbert's *Historic Highways of America*, published by the same company a few years ago. Such scholarly studies are of course keenly appreciated by the historian, both local and national, not only for their local coloring, but also for the romance which they weave around our country as an empire-builder. Long before the advent of railroads Americans had to content themselves with the simple improvements which they could make on the avenues of travel presented by nature: there were ordinary wagon roads in plenty, a few macadamized roads, some canals, and rivers everywhere. All these played an important part in the conquest of the West, since they were the roads and waterways along which poured a constant stream of emigrants. Just as the great National Road afforded the best route for travelers by land, so the Ohio and the Mississippi rivers were the best water route for emigrants who sought the rich prairies of the Middle West.

When the vast resources of the Valley of the Mississippi came to

be exploited by hardy and industrious pioneers, when the output of mines, tilled fields, and forests had to be moved to market, our largest river became the scene of an extensive inland commerce such as we of this generation can not fully realize or even imagine. Numerous steamboats, large and small, plied between the river ports, carrying on a brisk trade. All this represents but slightly a phase of western life now almost extinct.

Fortunately for those who take pride and interest in the lives which the pioneers led, Mr. Merrick devoted much time during the last six years to the composition of a story which is being gradually forgotten as the old river men pass away. While he has limited himself to only a few years on the Upper Mississippi, he has nevertheless, in clear and vigorous language, depicted that life as it was during the ante-bellum days, at the height of its prosperity, just before the competition of railroads began to rob it of means of support.

Actual participation and experience in addition to years of research work enable Mr. Merrick to write with authority on conditions described. As a boy of twelve he first became identified with the town of Prescott in Wisconsin. He recounts incidents of his life as a "levee rat", then as "cub" engineer, later as "mud" clerk, and finally as pilot. The work and duties of each officer are detailed, and several interesting chapters are devoted to the amenities of social life, such as steamboat menus, bars and barkeepers, gamblers, racing, music and art. A chapter on "Steamboat Bonanzas" contains accurate statistics relative to the passenger and freight business, and fraudulent land schemes and wild-cat currency receive their share of attention.

It is unnecessary to add more than to assert that the whole volume is intensely interesting and readable owing to its fund of incident and anecdote, and its value is especially enhanced by several excellent illustrations, chiefly pictures of river towns and steamboats, by a lengthy appendix containing much information relative to western economic history, and by a comprehensive index which completes the work.

J. VAN DER ZEE



*Settlement of Illinois, 1778-1830.* By ARTHUR CLINTON BOGGESE.

Chicago: Chicago Historical Society. 1908. Pp. 267. Maps.

In this monograph Mr. Boggess has undertaken—and with good results—to present the most important facts connected with the development of the Illinois settlements for a period of fifty-two years. The attempt has been made, he explains, to apply in the field of history the study of types; and the trend of events in the settlement of Illinois is sufficiently typical to make it a valuable study. The shadow of an apology in the preface, however, excites somewhat of a protest. “If the settlement of Illinois”, he says, “had been an isolated historical fact, its narration would have been too provincial to be seriously considered, but in many respects, the history of this settlement is typical of that of other regions.” Even if it were not typical, it would deserve consideration because of its relation to the east and south from which it recruited its population, because of its influence upon the still further west where the frontier steadily advanced, and because of the intrinsic worth of its own individual history. The scriptural quotation “no man liveth unto himself” may be as truly applied to Commonwealths, and “an isolated historical fact” would be an extremely hard thing to find. Provincial the settlements certainly were, but provincialism does not preclude historical value. The time has fortunately passed when events and movements are deemed worthy of consideration by the historian in inverse ratio to their distance west of the Atlantic seaboard.

The series of studies of the *Settlement of Illinois*, of which that of Mr. Boggess is a part, is one of exceeding value; and the period covered in the present monograph is not the most easy to treat successfully. It is a period of varying conditions and diverse governments. It links the west with the Revolutionary War at one end and with the problem of slavery at the other. The writer has wisely taken cognizance of the extended scope and has not made it too extensive a study.

He sketches the events of the period when the settlements formed part of the Commonwealth of Virginia under the name County Illinois, then passes to a discussion of the hopeless period of



anarchy that ensued between 1782, when the County of Illinois ceased to exist, and 1790 when government under the Ordinance of 1787 was inaugurated.

The third, fourth and fifth chapters deal respectively with the settlement prior to the organization of the Territory of Illinois, the Territorial period, and the first years of Statehood. In each of these chapters the writer selects topics for consideration such as the Indian and land questions, transportation and settlement, and the life of the settlers. He thus keeps himself upon the essential lines and avoids miring in the slough of less important details.

The sixth chapter concerns slavery in Illinois as affecting settlement, a phase of history in which Illinois was not so typical of the States of the Northwest. The final chapter consists of a series of short biographical sketches of successful frontiersmen, who left an impress upon Illinois. The characters are well chosen and valuable information is given which helps the reader to understand the personal element in the settlement of the Commonwealth. It seems, however, somewhat of a departure from the unity of the monograph.

The work is well supplied with maps and with copious footnotes. A considerable list of works consulted, arranged as sources and secondary works, is appended. It is evident that Mr. Boggess has examined the field with care and exercised discrimination in his use of sources. It is a matter of regret that the volume was prepared at a time when the Cahokia Records, edited by Mr. Clarence W. Alvord, were not yet accessible.

JOHN CARL PARISH

THE STATE HISTORICAL SOCIETY OF IOWA  
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*Writings on American History 1906.* Compiled by GRACE GARDNER GRIFFIN. New York: The Macmillan Company. 1908. Pp. xvi, 186.

The student or teacher of American history who wishes to keep informed and up-to-date in his subject, as well as the investigator seeking material on some special point, constantly feels the need of a reliable reference list of late historical publications. Until in

recent years very little has been done in the United States toward meeting this need. In 1904 there was published at Princeton a volume entitled *Writings on American History, 1902*, compiled by Professor Ernest C. Richardson and Mr. Anson E. Morse; and the following year the Carnegie Institution of Washington published a list of *Writings on American History, 1903*, edited by Professor Andrew C. McLaughlin. With the latter publication, however, the work so well begun was discontinued through lack of adequate support, until this year when the volume by Miss Griffin appeared. There is now reasonable assurance that similar volumes will be issued covering the historical publications at least of the years 1906-1910 inclusive.

In the present work the general plan of classification of the earlier volumes has been followed. In the first place there are listed such general works as bibliographies, indexes, archives and manuscript collections, and methods of teaching. Following this are the publications on America in general, dealing with the aborigines and with discovery and exploration. The writings on United States history are next listed; first the general works classified as to the period covered, then writings on the local history of various States. Then come biographies, genealogies, writings on military and naval history, works on politics, government and law, social, economic, religious and educational history, fine arts and literature. Finally, there are lists of writings relating to the history of British America, Latin America, and the Pacific islands.

Judging from the thorough manner in which Iowa publications are covered, the work is unusually complete and comprehensive. A careful examination of the book fails to reveal the omission of any Iowa item at all worthy of mention in a list of writings on American history published during the year 1906.

One error, which is clearly a mistake on the part of the printer, should be noted. On page seventy-six Thomas Cary Johnson is cited as the author of *The Life and Letters of Theodore Sutton Parvin*, whereas the author of the book is Joseph E. Morcombe. The index is commendably thorough and comprehensive, and yet in certain respects might be improved. For instance, under the

heading "Iowa" in the index are listed only a portion of the writings relating to Iowa history cited in the body of the volume.

Miss Griffin has produced a volume remarkably free from errors, and of immense value to historical students. It is to be hoped that the succeeding volumes will maintain the same high standard of accuracy.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
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*Collections of the Minnesota Historical Society.* (Volume XIII).

St. Paul: Published by the Society. 1908. Pp. xii, 480, Portraits.

That biography is one of the most instructive and most delightful forms of literature is undoubtedly apparent to the reader of Volume XIII of the Minnesota Historical Society Collections. This publication of nearly five hundred neatly printed pages contains short sketches and portrait reproductions of Minnesota's eighteen Territorial and State executives, besides the author's preface, his portrait as frontispiece, and a brief index.

That General James H. Baker, the author, should have "known intimately each and every one of the Governors of the Territory and State, having lived on terms of personal friendship with them all," is in itself a unique claim which admirably qualifies any biographer; but General Baker is not unconscious of the danger which lurks in such a qualification — he admits the difficulty of surveying without bias the lives of one's contemporaries. Yet in spite of this he has succeeded in writing substantially unprejudiced and impartial accounts of his subjects, whether living or dead, friend or foe.

In writing the lives of Minnesota's Governors, General Baker follows a general plan: first, he presents a rapid sketch of his subject's life, then a character appreciation, and finally some excerpts from messages and addresses, as well as a list of addresses, reports and papers. The space allotted to each Governor varies from ten pages for Samuel Medary to forty-seven for Alexander Ramsey.



Perhaps the best character appreciation is that of Governor Ramsey. To quote: "The roster of our eighteen governors comprises a roll of admirable men, of vigor and marked ability. But Alexander Ramsey is easily the Nestor of them all. His figure stands out in bold relief, and his primacy is universally conceded." In fact it is doubtful whether General Baker has maintained throughout the high standard set in his first sketch, unless perhaps in his lives of Henry Hastings Sibley, Cushman Kellogg Davis, Knute Nelson, and John Albert Johnson. Of the late Senator Davis, he says: "His accomplishments as a man of letters and his wonderful skill in state craft are the two Corinthian columns on which rest his glory and his fame"; and also, "it is a dangerous example, of evil tendency to let the private faults of great statesmen pass uncensured." It is very interesting to note what the author has to say about "the washerwoman's son" and "the most picturesque of all our Governors", John Albert Johnson: "The ego was not largely developed in the new governor. Self-conceit was no part of his mental structure. It sometimes required a good deal of persuasion on the part of his friends to convince him that he had ability to do things. This modesty and reserve was not assumed, it was innate." "One word symbolizes Johnson's success — personality."

The author also touches off with considerable skill such prominent participants in Minnesota politics as Ignatius Donnelly, "that Celtic genius, whose dazzling intellect shone like a meteor"; C. E. Flandrau, "the cavalier of the border, lawyer, jurist, soldier, the Prince Rupert of the Northwest"; James J. Hill, "a strong, unique, virile, monumental character, for whom a sharp claim will be justly pressed with all the power of steam, for a high niche in the Pantheon of Minnesota's great men"; and also Archbishop John Ireland.

It is no reflection on the author to say that the value of his book lies not in its fund of critical history but in its brilliant character sketches. Indeed, General Baker remarks somewhere that he endeavors "to make clear the personalities of the men, to marshal them as in a gallery that we may see those who have moved the political wheel and shaped the policies of the State", and elsewhere



he says: "True, we stumble over the images of many other distinguished men, and the fragments of many weighty events, but the canvass will not carry all things in a single picture. The artist has aimed at the general effect, without arithmetical weariness of detail."

J. VAN DER ZEE

THE STATE HISTORICAL SOCIETY OF IOWA  
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*Transactions of the Kansas State Historical Society, 1907-1908.*

(Volume X). Edited by George W. Martin, Secretary. Topeka: State Printing Office. 1908. Pp. xiii, 767. Portraits, maps.

"There is an absorbing interest about the history of Kansas without limit or abatement." It is in response to this sentiment that another volume of historical *Collections* has been issued. This book includes addresses given at the annual meetings of the Society, the centennial of Zebulon M. Pike's visit, the semi-centennial of the anniversary of the first free-state territorial legislature, accounts of the first State legislature in 1861, of the soldiers and the Indians of Kansas, and a large number of personal narratives. About fifty maps and illustrations are included in the volume.

A scholarly paper is that entitled *The White Man's Foot in Kansas*, by John B. Dunbar, which describes the exploring expedition of Zebulon M. Pike through Arkansas, Kansas, and New Mexico. The biographies of the members of the free-state legislature of 1857-1858, although very brief, will be of excellent service to the student of the legislative history of Kansas in its dark days. A similar list of biographical sketches is given for the State legislature of 1868.

Nine papers are devoted to the Indian. The customs, manners, and folk-lore of the Kaw or Kansas Indians are described. Another interesting paper by Warren K. Moorehead narrates the picturesque and adventurous career of Red Cloud, the former head chief of the Sioux Indians, who was then (1907) in his eighty-fifth year at Pine Ridge Agency in South Dakota. In another paper Ely Moore describes a buffalo hunt with the Miamis in 1854.

*The Wakarusa War*, by Mrs. Sara T. D. Robinson, once more recites some of the dramatic features of this contest. There appears a brief but instructive sketch of John Speer, who was one of the strenuous anti-slavery editors of Kansas Territory. A fine contribution to the local history of Kansas is entitled, *The Wakefield Colony*, written by Dr. William J. Chapman. It is the story of the origin, settlement, and organization of a colony of English pioneers in Clay County. Maps show the distribution of these colonists. About fifty pages of personal narratives are found near the close of the book.

The grouping of the various papers under proper headings is to be commended, while the index is very complete. It would seem, however, that many of the papers would bear a rearrangement or a reduction in size that would add to their value and not detract from their interest. Much of the material is too reminiscent to appear entirely trustworthy, and too "interesting" to bear the stamp of scientific research. The use of authoritative and explanatory footnotes adds greatly to the value of many of the articles. A proper winnowing of the material in this volume will give a good and substantial harvest of Kansas history, and the *Collections* will claim a useful place in schools, public libraries, and in the estimation of students as well as of readers of Kansas history.

LOUIS PELZER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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## AMERICANA

### GENERAL AND MISCELLANEOUS

*Ideals of the Republic* is the title of a new volume by James Schouler.

*The Life and Times of Anne Royal*, by Sarah Harvey Porter, is a recent book printed by The Torch Press, Cedar Rapids, Iowa.

The Library of Congress has recently issued a *List of References on International Arbitration*, compiled under the direction of Appleton P. C. Griffin.

Two recent numbers of the *Johns Hopkins University Studies in Historical and Political Science* are: *Beneficiary Features of American Trade Unions*, by James B. Kennedy, and *The Self-Reconstruction of Maryland*, by William Starr Myers.

*Tax Reforms versus Local Self-Government* is the subject of an address delivered by George Curtis, Jr., of the Wisconsin Tax Commission, on September 3, 1908, before the Wisconsin Municipal League. The address has been issued in pamphlet form.

*A Year After the Panic of 1907*, by Alexander D. Noyes; *Recent and Prospective State Banking Legislation*, by Pierre Jay; and *The Present Period of Income Tax Activity in the American States*, by Delos O. Kinsman, are prominent articles in the February number of *The Quarterly Journal of Economics*.

Besides continuations the January number of the *American Historical Magazine* contains an article on the *Rise of the United Empire Royalists*, by Viscount de Fronsac; the opening installment of a study of *The Literature of Colonial Virginia*, by Carl Holliday; and *A Letter of Lord Napier*, contributed by Duane Mowry.

Among the articles in *The Scottish Historical Review* for January may be mentioned: *Ballads Illustrating the Relations of England and Scotland during the Seventeenth Century*, by C. H. Firth; *A New View of the War of Independence*, by Evan M. Barron; and *Letters of Cardinal Beaton, 1537-1541*, by Andrew Lang.

During the Spanish-American War opposition to the acquisition of the Philippines crystallized in the formation of an Anti-Imperialist League. The work and objects of this organization are described by its secretary, Erving Winslow, in a recently published pamphlet bearing the title, *The Anti-Imperialistic League: Apologia Pro Vita Sua*.

That the people of Massachusetts are keenly alive to the value of properly preserving and caring for their public records is evinced by the *Twenty-first Report on the Custody and Condition of the Public Records of Parishes, Towns, and Counties*. The commissioner, Henry E. Woods, reports that in many cities and counties



fire-proof vaults have been or are being built for the safe-keeping of official records; that in over a score of towns and cities much progress has been made during the past year in the way of binding public documents; and that in some places parts of the earlier records have been printed.

A valuable reference work, which has recently been completed by the publication of part four, is R. R. Bowker's compilation of *State Publications: A Provisional List of the Official Publications of the Several States of the United States from their Organization*. The publications of the southern States are listed in the present volume.

The January number of *The Annals of the American Academy of Political and Social Science* is devoted to *Industrial Education*. Besides articles on the subject in general, its relation to National progress and its place in the public schools, the more important trade schools throughout the country are described by men intimately connected with the work.

In the March number of *Army and Navy Life* may be found an article on *The Balance in the Pacific*, by Richmond Pearson Hobson, in which he reiterates the warning, so often made by him on the public platform, of the danger of an Oriental invasion of our western coast. Catherine Frances Cavanagh contributes an interesting sketch of *Inaugurations of the Past*.

An *Educational Department Bulletin* published in January by the University of the State of New York consists of a *Digest of Governors' Messages* for 1908, edited by Clarence B. Lester, Legislative Reference Librarian. All the recommendations made by Governors throughout the United States and Porto Rico on important questions of legislation during 1908 are included in this index.

*The Yale Review* for February opens with an editorial comment bearing the title, *The Atlantic City Meetings; Are Economists Wasting their Time?* Under the heading, *The Government of England*, Allen Johnson presents an extended review of Professor Lowell's two volume work. Fred Rogers Fairchild discusses *The*



*Economic Problem of Forest Taxation*; Theodore H. Boggs contributes a critical statement of *England's Problem in India*; and Hubert H. S. Aimes describes *Coartación; A Spanish Institution for the Advancement of Slaves into Freedmen*.

The *Report of the Twenty-sixth Annual Meeting of the Lake Mohonk Conference of Friends of the Indian and Other Dependent Peoples* contains the proceedings of the meeting which was held October 21-23, 1908. About two hundred members were present, and the discussions included, besides Indian affairs, subjects connected with the Philippines, Porto Rico and Hawaii.

A suggestion worthy of consideration as to *Uniformity and Cooperation in the Census Methods of the Republics of the American Continent*, is made by S. N. D. North in the December number of the *Quarterly Publications of the American Statistical Association*. Another article of interest and of value for purposes of comparison is one by Edward M. Hartwell on *The Cost of Municipal Government in Massachusetts*.

Two pamphlets issued by the American Branch of the Association for International Conciliation in November and December are entitled respectively, *The Policy of the United States and Japan in the Far East*, and *European Sobriety in the Presence of the Balkan Crisis*. The former contains the important notes exchanged between the United States and Japan on November 30, 1908, while the latter is a brief article by Charles Austin Beard, of Columbia University.

Ambassador James Bryce's masterful address on *The Relations of Political Science to History and to Practice*, which was delivered at a joint meeting of the American Political Science Association and the American Historical Association at Washington, D. C., December 28, 1908, is the opening contribution in the February number of *The American Political Science Review*. George Frederick Andrews is the writer of an article on *The North African Question and its Relation to European Politics*, which is devoted largely to the past, present and future policy of France relative to Morocco. One of the problems which the acquisition of island possessions brought

before our government is discussed by Russell M. Story under the heading, *The Problem of the Chinese in the Philippines*. Margaret A. Schaffner's *Notes on Current Legislation* are of their usual interest and value; while an *Index to Recent Literature — Books and Periodicals*, and a list of *Recent Government Publications of Political Interest* will prove useful to the student.

Under the heading, *Municipal Review 1907-1908*, Clinton Rogers Woodruff presents, in the January number of *The American Journal of Sociology*, an admirable survey of the progress in municipal government in the United States during the year indicated. The writer concludes with the statement that the developments "are such as to justify the expectation that the cities of the country are rapidly freeing themselves from the opprobrium that they were the worst governed municipalities in the world."

In an article bearing the title, *An Inquiry into the Power of Congress to Regulate the Intra-State Business of Interstate Railroads*, in the January number of the *Columbia Law Review*, David W. Fairleigh propounds the doctrine that Congress has the constitutional power to regulate not only the interstate, but also the intra-state business of railroads. Joseph W. Bingham offers *Some Suggestions Concerning "Legal Cause" at Common Law*, a discussion which is concluded in the February number, where may also be found an article entitled, *Is a Large Corporation an Illegal Combination or Monopoly Under the Sherman Anti-Trust Act?*, by George F. Canfield.

Volume three number one of *The Journal of American History*, besides containing much of interest and value, is a fine specimen of typography. Many illustrations including views of battle fields and other historic places; portraits, especially some excellent ones of Abraham Lincoln; and reproductions in color of mural paintings in American public buildings, make this an unusually attractive issue of the *Journal*. The *Manuscript of the Autobiography of Lincoln*, reproduced in Lincoln's hand-writing, is accorded the most prominent position, and is followed by an article on *Triumph of American Character*, by Francis Trevelyan Miller, in which an attempt is

made to point out the true significance of the Lincoln centenary. A number of extracts from *General Washington's Order Book in the American Revolution* throw light on Washington's military character. Under the heading, *First Letter Written in America*, there is a translation with explanatory remarks of a letter written by Diego Alvarez Chanca, a physician who accompanied Columbus on his second voyage in 1494. Zoeth S. Eldredge, in writing on the *First Overland Route to the Pacific*, continues his account of Colonel Anza's journey across the Colorado desert to California. A number of other contributions on a variety of subjects may be found in this number which deserves especial commendation.

In spite of the poor arrangement of material the diligent student may find in the January number of *The American Catholic Historical Researches* much of interest in the field of early American history. Martin I. J. Griffin writes a brief article entitled *Religious Liberty for Protestants and Toleration for Catholics in Maryland—Liberty for All in Pennsylvania*. Other contributions worthy of notice are: *The Clergy of France Make a Gift to the King of Six Millions of Dollars to Aid in the War Against England in Behalf of the Revolted American Colonies—1780*, by Thomas Dwight; *George Washington's Relation to Masonry*; and *Colonel John Fitzgerald, Aid-de-camp and Secretary to Washington*.

Reprinted from *Year Book No. 7* is the *Annual Report of the Director* of the Department of Historical Research of the Carnegie Institution of Washington for 1908. The main activity of the Department during the past year has been along the line of preparing and publishing guides to the material for United States history to be found in the archives of this country and of Europe. A second and enlarged edition of Van Tyne and Leland's *Guide to the Archives of the Government in Washington* was printed early in the year. In the fall a *Guide to the Manuscript Materials for the History of the United States to 1783, in the British Museum, in Minor London Archives, and in the Libraries of Oxford and Cambridge* by Charles M. Andrews and Frances G. Davenport, was put to press. Waldo G. Leland in Paris, and Herbert E. Bolton in Mexico



have made much progress with their work. Professor Carl Russell Fish is now engaged in similar searches in the archives and libraries at Rome. An investigation of the unpublished letters of delegates to the Continental Congress and the Congress of the Confederation has been completed. Miss Davenport has spent much time on the preparation of the proposed publication of treaties between foreign powers bearing on American history, and various other fields of investigation have been opened up. The plans for the coming year follow the same general lines as in the past, and the Director, Dr. J. Franklin Jameson, urgently recommends the erection of a fire-proof building for the Department in the immediate neighborhood of the Library of Congress.

In the January number of *The South Atlantic Quarterly* there may be found an interesting article entitled *Backward or Forward?*, by Edgar Gardner Murphy, who shows that race friction at the South does not possess the over-shadowing significance it once did. He points to the oil fields of Texas, the Galveston plan of city government, the industrial rise of Birmingham, the cotton factories of the Carolinas, the prohibition movement in Georgia, and other social and economic developments, as evidence of the rise of a new South with other problems than the negro question. Another contribution to this number of the *Quarterly* is the opening installment of a discussion of *The Freedman's Bureau in North Carolina*, by J. G. de Roulhac Hamilton.

The initiative and the referendum are instructively discussed in the *Political Science Quarterly* for December, in two articles which bear the general heading, *Popular Legislation in the United States*. Charles Sumner Lobingier traces *The Development of the System*, of which he seems to approve; while John Bell Sanborn presents an estimate of *The Value of the System*, in which he expresses the opinion that legislative reform is to be attained not through such a radical change in our representative government, but rather through the selection of better men as members of our legislatures. Other articles are: *Instruction in Public Business*, by William H. Allen; *Federal Quarantine Laws*, by Edwin Maxey; and *The Causes of Poverty*, by Lilian Brandt.



## WESTERN

*Pomo Indian Basketry* is the title of a copiously illustrated monograph written by S. A. Barrett, and published in December as one of the *University of California Publications in American Archaeology and Ethnology*.

The *University of California Chronicle* for January contains a number of tributes to the memory of the late Daniel Coit Gilman, and an article on *The Conflict between Private Monopoly and Good Citizenship*, by John Graham Brooks.

Volume two, part two of the *Anthropological Papers of the American Museum of Natural History* consists of a monograph on *The Northern Shoshone*, by Robert H. Lowie, in which are described the material culture, the customs, economic life, religion and mythology of this Indian tribe.

An *University of Oregon Bulletin* published in December contains the opening installment of an interesting monograph on *The Acquisition of Oregon Territory*, by Professor Joseph Schafer. In this paper the author discusses *Discovery and Exploration*. Subsequent papers will deal with the occupation of the Oregon country, and the diplomatic features of the acquisition of Oregon.

Among the contributions to the January-February number of the *Records of the Past* may be found a brief sketch of *The "Spanish Diggings"*, Wyoming, by Robert F. Gilder; a copiously illustrated article on *Recently Discovered Cliff-Dwellings of the Sierras Madres*, by A. Hooton Blackiston; and a somewhat extended discussion of *The High Intellectual Character of Primeval Man*, by D. Gath Whitley.

The Wisconsin Free Library Commission has recently issued an admirable study outline on the *History of Wisconsin, 1634-1909*. Eight out of the twelve outlines are very properly devoted to the history of the Wisconsin country before it was admitted into the Union as a State. There is a logical grouping of subjects and a valuable reference list is appended to each outline. A classified list of the papers in the *Collections and Proceedings* of the State Historical Society of Wisconsin is also of value to the student.

## IOWANA

A recent Iowa pamphlet contains an address on *Lincoln*, delivered at Sioux City on February 12, 1909, by George D. Perkins.

The second volume of the *Roster and Record of Iowa Soldiers in the War of the Rebellion* has been issued, and is devoted to the ninth to sixteenth regiments of infantry.

A series of articles by L. F. Andrews, on *Iowa — Its Origin and Participancy in the Civil War*, has been appearing in the numbers of *The Midwestern* this year.

*Pioneer Traits* is the title of an address delivered by B. L. Wick at the semi-centennial of the Norwegian settlement at Dunbar, Iowa, on September 11, 1908. The address has been printed in pamphlet form.

The somewhat belated eighteenth volume of the *Iowa Geological Survey* contains the annual report for 1907; a statistical statement of *Mineral Production in Iowa in 1907*, by S. W. Beyer; and an extended monograph on *Devonian Fishes of Iowa*, by Charles R. Eastman.

In *The Iowa Alumnus* for February may be found biographical sketches of Carl F. Kuehnle, the newly elected Regent of The State University of Iowa, and Guy A. Feely, Speaker of the House of Representatives of the Thirty-third General Assembly. There is also an obituary sketch of the late William O. Lillibridge, who is well known as a writer of fiction.

One of the earliest acts of the City Council of Cedar Rapids after the adoption of the commission plan of government was to call in an expert to make a survey of the city, and report as to the possibilities of improvement. The results of the investigation are embodied in the Report of Charles Mulford Robinson, on *Civic Improvement and Beautification in the City of Cedar Rapids, Iowa*, a neatly printed pamphlet with numerous illustrations.

Among the contributions to the January number of the *Journal of History*, published by the Reorganized Church of Jesus Christ of Latter Day Saints, are: *Succession in the Presidency*, which

consists of a letter written by Heman C. Smith; a continuation of the *Autobiography of Charles Derry*, and of Mrs. Walker's *Brief Glimpses into a Century of the Past*; a biographical sketch of *Newel K. Whitney*; and an article on *Proper and Improper Use of History*, by H. H. Smith.

*Uniform Features of Water Rates for Cities and Towns of Iowa*, by F. H. Munger; *Uniform Municipal Accounting in Iowa*, by A. D. Sheets; and *The Relation of Mayors and Township Clerks to the State Board of Health*, by A. P. Hanchett, are interesting articles in the January number of *Midland Municipalities*. In the February number may be found a discussion of *The New York Public Service Commissions*, by Thomas M. Osborne, a member of one of the commissions; and an article on *Railroad Taxation*, by Clem F. Kimball, which is continued in the March number.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Arnold, Ralph, (Joint author)

*Preliminary Report on the Coalinga Oil District, Fresno and Kings Counties, California*. Washington: Government Printing Office. 1908.

Beede, Charles Gould,

*Reincarnation: A Romance of the Soul*. Ames: Newport Publishing Co. 1909.

Brown, John Franklin,

*The American High School*. New York: The Macmillan Co. 1909.

Devine, Edward Thomas,

*Report on the Desirability of Establishing an Employment Bureau in the City of New York*. New York: Charities Publication Committee. 1909.

Dixon, Clarissa,

*Janet and her Dear Phebe*. New York: Frederick A. Stokes Company. 1909.

Glaspell, Susan,

*The Glory of the Conquered*. New York: Frederick A. Stokes Company. 1909.

- Harwood, William Sumner,  
*Life and Letters of Austin Craig.* New York and Chicago:  
Fleming H. Revell Co. 1909.
- Hayes, Samuel,  
*The Justice Practice of Iowa, Civil and Criminal.* Chicago:  
T. H. Flood & Co. 1909.
- Hough, Emerson,  
*54-40 or Fight.* Indianapolis: Bobbs-Merrill Co. 1909.
- Huntley, Florence,  
*Who Answers Prayer?* Chicago: Indo-American Book Co.  
1908.  
*The Dream Child.* Chicago: Indo-American Book Co. 1908.  
*The Gay Gnani of Gingalee.* Chicago: Indo-American Book  
Co. 1908.
- McClain, Emlin,  
*Digest of Decisions from the Organization of the Territory  
of Iowa.* Chicago: Callaghan & Co. 1908.
- Putnam, Edward Kirby,  
*Spelling Reform and Authority in Language.* Davenport:  
Contemporary Club. 1909.
- Sieg, Vera,  
*Negro Problem: A Bibliography.* Madison: Wisconsin Free  
Library. 1909.
- Stanton, Gerritt Smith,  
*When the Wildwood was in Flower.* New York: J. S. Ogil-  
vie Publishing Co. 1909.
- Steiner, Edward Alfred,  
*Tolstoy, the Man and his Message.* (Enlarged edition.) New  
York and Chicago: Fleming H. Revell Co. 1909.
- Thompson, Robert John,  
*Suggestions for the Development of Export Trade to Ger-  
many.* Chicago: National Business League of America.  
1909.
- Tracy, Frank Basil,  
*The Tercentenary History of Canada.* New York: The Mac-  
millan Co. 1908.



Travers, Libbie Miller,

*The Honor of a Lee.* New York: Cochrane Publishing Co.  
1908.

Tyler, Alice Sarah,

*John W. Tyler, 1808-1888: Memorial of the One Hundredth Anniversary of his Birth.* Cedar Rapids: The Torch Press. 1909.

#### SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

##### *The Register and Leader*

Martin D. Henry — A Pioneer East-Sider, by L. F. Andrews,  
December 20, 1908.

Historic Old Des Moines Homes, in Sunday issues, December 20,  
1908, to March 14, 1909.

Sketch of Life of Charles Addison Sherman, December 27, 1908.

General Ed Wright — For Many Years a Useful Citizen, by L. F.  
Andrews, December 27, 1908.

Jeremiah Rosser — Seventy Years an Iowan — Other Pioneers of  
Clayton County, January 3, 1909.

Career of John H. Clark — Forty Years an Iowa Court Reporter,  
January 3, 1909.

"Uncle Dick" Clarkson, by L. F. Andrews, January 3, 1909.

Iowa's First General Assembly and Its Sensations, by Louis Pel-  
zer, January 17, 1909.

Lost in a Snow Storm in the Early Days, by William Larrabee,  
January 20, 1909.

Sketch of Life of Rev. J. E. Snowden of Cedar Falls, January 22,  
1909.

When the Grasshoppers Swept Over Iowa Farms, by L. F. An-  
drews, January 24, 1909.

"Ret" Clarkson, Writes of Iowa Politics and Iowa Men, January  
24, 1909.

When Abe Lincoln Visited this State, by Grenville M. Dodge,  
January 27, 1909.

Curious Incident of Early Evangelical Work in Iowa, January  
31, 1909.

Sketch of Life of James S. Clarke, by L. F. Andrews, January 31, 1909.

Removal of the Remains of Iowa's First Governor, February 7, 1909.

Des Moines Bridges and Ferries, by L. F. Andrews, February 7, 1909.

Account of Lincoln's Visit to Burlington, February 7, 1909.

Lincoln Election in Iowa in 1864, February 7, 1909.

Sketch of Life of James D. Place, a Veteran Railroad Man, February 7, 1909.

Senator Dolliver's Tribute to William B. Allison, February 7, 1909.

A New Chapter in Lincolniana Contributed by Iowa, February 7, 1909.

General Grenville M. Dodge tells of Lincoln and the Civil War, February 7, 1909.

Lincoln's Visit to Council Bluffs and Letters Written by him to Iowans, February 7, 1909.

Statue of Lincoln at Clermont, Iowa, February 7, 1909.

W. Witmer heard Lincoln at Gettysburg, February 8, 1909.

Anecdotes of Lincoln from Oskaloosa, February 10, 1909.

Reminiscences of Lincoln by A. M. Kirk, February 12, 1909.

Meeting of Fort Donelson Veterans, February 14, 1909.

Sketch of Life of Jeremiah Church, by L. F. Andrews, February 14, 1909.

When Barbed Fence Wire was Made in Des Moines, February 21, 1909.

General Weaver and Pioneer Iowa, February 21, 1909.

Home Where George Davenport was Murdered, February 21, 1909.

Some Early History of Cherokee, Iowa, February 28, 1909.

Sketches of Lives of Corning Pioneers, February 28, 1909.

General Weaver Tells of Pioneer Iowa Wedding, February 28, 1909.

Sketch of Life of Thomas McMullin, by L. F. Andrews, February 28, 1909.

Sketch of Life of S. R. Ingham, by L. F. Andrews, March 7, 1909.

Three Bachelors of Pioneer Des Moines, March 7, 1909.

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Sketch of History of Iowa's Official Seal, March 7, 1909.

John Spencer — An Old Virginian in Newest Iowa, by James B. Weaver, March 7, 1909.

Sketch of Life of David Sheward — Pioneer Iowa Journalist, March 7, 1909.

Sketch of Life of James W. Blythe, March 7, 1909.

Sketch of Life of Ralph Robinson — Pioneer Editor at Newton, March 8, 1909.

Sketch of Life of William Biddle, by L. F. Andrews, March 14, 1909.

Two Noted Iowa Pioneers, by James B. Weaver, March 14, 1909.

Cousin of Daniel Boone the Oldest Iowan, March 14, 1909.

### *The Burlington Hawk-Eye*

Twenty Years Ago. (In each Sunday issue).

Chief Events in Burlington During 1908, January 2, 1909.

Thrilling Escape of Milton Rhodes from Prison during Civil War, January 3, 1909.

Sketch of Life of William Harper, Pioneer of Des Moines County, January 3, 1909.

The "Big Stick" of the Iowa Band, January 3, 1909.

The Coming of Cummins, January 8, 1909.

Sketch of Life of James Madison Crawford, Early Resident of Des Moines County, January 15, 1909.

Half Century of Journalism in Iowa, January 24, 1909.

When W. C. Brown Lived in Burlington, January 30, 1909.

Sketch of Life of N. P. Sunderland, Pioneer of Burlington, February 2, 1909.

Interesting Iowa and Illinois Early Railroad History, February 2, 1909.

How Douglas Won the Senatorship, but Lost the Presidency to Lincoln, February 7, 1909.

Lincoln in the Illinois Military Tract, February 7, 1909.

When Lincoln Visited Council Bluffs, February 7, 1909.

The Old Time Pilots on the Mississippi, February 7, 1909.

Allison Day in the Senate, February 7, 1909.

When Lincoln Spoke in Burlington, February 7, 1909.

Demolition of Old Hawkeye Mills Built in 1856, February 10, 1909.  
James B. McBride, a Pioneer Minister, February 19, 1909.

Lincoln's Nomination Seconded by Aledo Record in Editorial, February 20, 1909.

Sketches of Pioneers, February 21, 1909.

Some Unpublished Lincoln Letters, February 21, 1909.

The Blizzard of 1864, February 24, 1909.

Mose Arquette — Helped Build Iowa Central, February 24, 1909.

Sketch of Life of Joseph W. Blythe, March 7, 1909.

Sketch of Life of J. D. Edmundson — Born in Des Moines County in 1838, March 12, 1909.

Sketch of Life of George W. Pierson, an Old Burlingtonian, March 13, 1909.

Stephen J. Sparks claims to be Iowa's Oldest Citizen, March 14, 1909.

Early Iowa Towns, by Howard A. Burrell, March 14, 1909.

Sketch of Life of George E. Grasham, Pioneer of Louisa County, March 14, 1909.

### *The Sioux City Journal*

Twenty Years Ago and Forty Years Ago. (In each Sunday issue).

Senator Cummins Tells the Story of his Life, January 10, 1909.

Pioneer Railroading in Northwestern Iowa, by S. A. Lincoln, January 10, 1909.

Passing of the State of Dubuque, January 24, 1909.

Life in Southern Iowa Before the Civil War, by Duncan Campbell, January 24, 1909.

Pioneer Life in Iowa, January 31, 1909.

Lincoln in Iowa, February 7, 1909.

Reminiscences of Lincoln by Veterans of the Civil War, February 7, 1909.

Exercises held at Sioux City on Anniversary of Lincoln's Birthday, February 13, 1909.

Dr. Frederick Andros — Iowa's First Physician, February 14, 1909.

Allison Day in the House of Representatives, February 23, 1909.



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Weaver of Iowa and the "Party of the Center", February 28, 1909.  
Some First Things in Iowa, by Howard A. Burrell, March 7, 1909.  
Old Time Schools and Teachers, by F. A. Moscrip, March 14, 1909.

#### *The Dubuque Telegraph-Herald*

St. Luke's M. E. Society Celebrates Diamond Jubilee of Methodism's Advent in Iowa, December 20, 1908.  
Account of Founding of Presbyterian Church at Bellevue, January 10, 1909.  
Anniversary of Julien Dubuque, January 10, 1909.  
When King Bacchus was a Privileged Character in Dubuque County, January 17, 1909.  
Tributes to the Memory of Thomas J. Healy, January 17, 1909.  
Dubuque Claims Oldest Resident — Alexander Simplot, January 31, 1909.  
Tale of the Snow and Cold of Famous Iowa Winter, 1856-7, by William Larrabee, February 7, 1909.  
Dubuquers Who Knew Lincoln, February 14, 1909.  
Story of the Rise of Edwin Cooley, February 21, 1909.  
Pioneer Life in Iowa Fifty Years Ago, February 21, 1909.  
Iowa's First Governor, February 21, 1909.  
Allison's Birthday, March 2, 1909.

#### *The Cedar Rapids Republican*

Some Men Who Voted for Lincoln and the Tales they Tell, February 7, 1909.  
An Iowa Man's Fine Collection of Lincolniana, February 7, 1909.  
William Cessford Knew Lincoln and Douglas, February 7, 1909.  
The Sole Lincoln Monument in Iowa, February 7, 1909.  
These Saw and Talked with Lincoln and his Friends, February 7, 1909.  
When Douglas Came to Cedar Rapids, February 10, 1909.  
These Also Cast Votes for Lincoln, February 10 and 12, 1909.  
Story of Lincoln's Visit to Council Bluffs, February 10, 1909.  
A Rare Lincoln Photograph in Cedar Rapids, February 13, 1909.  
Allison Eulogies Spoken in Congress, February 23, 1909.  
Linn County Letter Written in 1848, February 21, 1909.

# HISTORICAL SOCIETIES

## PUBLICATIONS

Volume three of *The Cambridge Historical Society Publications* contains the proceedings of the Society from January 28 to October 27, 1908.

The State Historical Society of Wisconsin has recently issued a number of convenient folders describing the library, publications, and other objects and activities of the Society.

Volume twelve of the *Collections of the Connecticut Historical Society* is made up entirely of *Lists and Returns of Connecticut Men in the Revolution*, and will prove of particular value to the genealogist.

The two articles in the January number of *The Medford Historical Register* are: *The First Methodist Episcopal Church of Medford*, by Mrs. Abby D. Saxe; and *Wood's Dam and the Mill Beyond the Mystic*, by Moses W. Mann.

The Mississippi Historical Society has begun the publication of a series of bulletins, the first of which contains the *Proceedings of the Mississippi Association of History Teachers*, at the meeting in June, 1908.

The *Custodian's Report* of the Oklahoma Historical Society for 1907-1908 contains a record of the transactions and accessions of the Society from November, 1907, to December 31, 1908, and reveals a creditable growth in the Society's work.

The *Biennial Report of The State Historical and Natural History Society of Colorado* for the period from December 1, 1906, to November 30, 1908, gives a detailed description of the work of the Society, and of the progress made during the past two years.

Among the contributions to the *Register of the Kentucky State Historical Society* for January may be mentioned a biographical

sketch of *Richard Collins — Historian*, by Jennie C. Morton; an article on *The Pioneer Child's Education*, by Martha Stephenson; and a continuation of L. F. Johnson's *History of Franklin County*.

Among the contributions to *The Essex Antiquarian* for January are: *Ipswich Inscriptions. Ancient Burying Ground* which contains fac-similes of all the inscriptions to be found in this cemetery bearing dates prior to 1800; *Salem Court Records and Files*; and *Salem in 1700. No. 34*, by Sidney Perley.

Bernard C. Steiner concludes his monograph on *Benedict Leonard Calvert, Esq. Governor of the Province of Maryland, 1727-1731*; in the December number of the *Maryland Historical Magazine*. *The Case of the Good Intent*, by Richard D. Fisher, is also concluded, and there is a short article entitled, *The After-Story of the Good Intent*, by the same writer.

*The Experiences of an Unrecognized Senator*, by O. M. Roberts, in *The Quarterly of the Texas State Historical Association* for October, is the interesting story of the author's vain journey to Washington during the winter of 1866-1867, to claim his seat as United States Senator from Texas. Herbert E. Bolton is the contributor of some *Notes on Clark's "The Beginnings of Texas."*

Number seventeen of the *Publications of the American Jewish Historical Society* has appeared. Among the papers which make up the contents perhaps the most interesting are: *General Ulysses S. Grant and the Jews*, by Joseph Lebowich; *Lincoln and the Jews*, by Isaac Markens; and *The First Jew to Hold the Office of Governor of One of the United States*, by Leon Hühner.

The January number of the *Journal of the Illinois State Historical Society*, as is natural, contains much that relates to Lincoln. Jessie Palmer Weber is the writer of a brief article on *Abraham Lincoln, the Typical American*; there is an account of the preparations for *The Lincoln Centennial Celebration at Springfield*; while Mary Josephine Booth contributes a *Partial Bibliography of Poems Relating to Abraham Lincoln*. Two letters written in 1828 and 1829 by Governor John Reynolds, and an article on *Prehistoric*

*Illinois* — *Certain Indian Mounds Technically Considered*, by J. F. Snyder, are of particular interest to the student of Illinois history.

In the January number of the *Deutsch-Amerikanische Geschichtsblätter*, besides a continuation of Heinrich Bormann's *Geschichte der Deutschen Quincy's*, there may be found a biographical sketch of *Friedrich August Conrad Mühlenberg*, by Oswald Seidensticker; and an article on *Deutsche Zeitungen in Philadelphia während der ersten Hälfte des neunzehnten Jahrhunderts*, by F. E. Huch.

The first moderator of the Presbyterian Church in the United States was Francis Makemie of Virginia. The December number of the *Journal of the Presbyterian Historical Society* contains an account of *The Dedication of Makemie Memorial Park and Monument*; a paper entitled, *A Summary of the Evidence that the Traditional Place of Francis Makemie's Burial is the True Site*, by Henry C. McCook; and a *Chronological Outline of the Life of Francis Makemie*, by Harry P. Ford.

Articles of a purely historical character in the January number of *The Florida Historical Society Quarterly* are: *In Memoriam: David Elwell Maxwell*, by John C. Cooper; *Jacksonville, Fifty-three Years Ago*, by Otis L. Keene, who relates some recollections of Jacksonville when it was a city of less than two thousand inhabitants; and *Tallahassee Before the War*, by Capt. F. A. Hendry, which is an extract from an article recently printed in a Florida newspaper.

A number of excellent contributions to early American history are to be found in the January number of *The Essex Institute Historical Collections*. Robert E. Peabody tells of *The Naval Career of John Manley of Marblehead*; George F. Dow contributes some *Records of the Vice-Admiralty Court at Halifax, Nova Scotia*, for the period of the Revolution and the War of 1812; while other documents are: *Journal of John Noyes of Newbury in the Expedition Against Ticonderoga, 1758*, and *Letters Written During the Revolution by Capt. John Noyes of Newbury*.



Three articles comprise the October to December number of *The Wisconsin Archeologist*. Charles E. Brown writes on *The Preservation of the Man Mound*, and *Wisconsin Spirit Stones*; while Newton H. Winchell is the contributor of a brief description of *Habitations of the Sioux in Minnesota*. Notes on recent additions to Wisconsin museums are given under the heading of *The Wisconsin Museums Movement*.

Volume ten of the *Proceedings and Collections of the Wyoming Historical and Geological Society* is an excellently printed book of two hundred and fifty pages, which contains the proceedings of the Society and the papers read before it during 1908, together with various other articles and compilations. The celebration of the Society's semi-centennial and of the centennial of Jesse Fell's discovery of the value of anthracite coal, which was held February 11, 1908, is treated in much detail.

The *Proceedings of the American Antiquarian Society at the Annual Meeting Held in Worcester October 21, 1908*, contains, besides the proceedings, three contributions to American history. Under the title, *Dr. Saugrain's Note-Books, 1788*, Eugene F. Bliss communicates the journal of a trip down the Ohio River in 1788. George Parker Winship describes *Early South American Newspapers*, and there is *A List of Additional Manuscripts of the French and Indian War*, prepared by Charles Henry Lincoln.

Students not only of the history of the State of Wisconsin, but of the history of the whole lake region and the upper Mississippi Valley as well, will find much of value in volume eighteen of the *Collections of the State Historical Society of Wisconsin*, edited by Reuben Gold Thwaites. Here will be found a large number of manuscripts and documents, many of them hitherto unpublished, relating to the latter years of the French régime, from 1743 to 1760, and to the period of British control from 1760 to 1800.

The two articles which, with the exception of various original documents and papers, make up the January number of *The South Carolina Historical and Genealogical Magazine* are: *Willtown or New London*, by Henry A. M. Smith; and *The Second*

*Tuscarora Expedition*, by Joseph W. Barnwell. Among the original material perhaps the most interesting are some *Letters from Commodore Alexander Gillon in 1778 and 1779*, and an *Historical Relation of Facts Delivered by Ludovick Grant, Indian Trader, to His Excellency the Governor of South Carolina*.

Volume four of the *Publications of the Louisiana Historical Society* contains, among other things, a transcript of a volume of French documents relating to the Mississippi Valley during the years from 1679 to 1769. These documents consist largely of royal edicts, ordinances and letters of patent. Another valuable contribution for purposes of reference is a chronological list of manuscripts and documents to be found in the National Historical Archives in Madrid, Spain, relative to Louisiana.

The November-December number of the *German-American Annals* contains a brief but excellent article on *Germans in Texas*, by Gilbert C. Benjamin. The discussion is divided into two parts or chapters, the first dealing with German immigration from 1815 to 1848, while the second tells of the early German settlers and the reasons for settlement. Copious foot-note references indicate that the work has been done carefully. There is also in this number of the *Annals* a description of the celebration of German day of Founder's Week last October at Germantown, Pennsylvania, on the occasion of the two hundred and twenty-fifth anniversary of the arrival of the first German settlers at that place.

The October number of the *Ohio Archaeological and Historical Quarterly* is taken up by an article on *Old Fort Sandoski of 1745 and the Sandusky Country*, by Lucy Elliot Keeler; and *Washington's "Tour to the Ohio" and Articles of "The Mississippi Company,"* with introduction and notes by Archer B. Hulbert. The original documents from which the latter contribution is printed are entirely in Washington's handwriting. Among the articles in the January number may be mentioned: *A New Serpent Mound in Ohio*, by George Frederick Wright; *The Mound Builders of Cincinnati*, by Marie Paula Dickoré; *Rutland—"The Cradle of Ohio,"* by E. O. Randall; and *Morgan's Raid*, by L. J. Weber.

The third volume of the *Collections of the Illinois State Historical Library* consists of a new edition of the *Lincoln-Douglas Debates of 1858*, edited by Edwin Erle Sparks. There is much material not included in previous editions, in the way of newspaper comment which adds local color and reveals the interest taken in the debate throughout the Mississippi Valley. The events immediately preceding and following the debates are also given more attention than has usually been afforded them in earlier editions. Illuminating explanations by the editor, many views of historic places and portraits of prominent men, and an excellent index, all combine to make this volume an important contribution to the material of American history.

Much valuable original material is to be found in the January number of *The Virginia Magazine of History and Biography*. W. N. Sainsbury contributes a number of colonial papers relating to *Virginia in 1641-49*. Under the heading of *Miscellaneous Colonial Documents* those of especial interest are a letter regarding the duty on imported negroes, and the instructions given to the commander of the Virginia troops sent to South Carolina in 1715. *Revolutionary Army Orders for the Main Army under Washington, 1778-1779*, is an important continuation; while the *Virginia Legislative Papers* here printed consist of the reports of Colonels Christian and Lewis during the Cherokee expedition in 1776.

Charles W. Smith makes *A Contribution Toward a Bibliography of Marcus Whitman* in the October number of *The Washington Historical Quarterly*. He cites an amazingly large number of references to documents, letters, books and periodicals which contain material relating to the life of this missionary about whom has centered such a controversy. T. C. Elliott gives an entertaining account of *Dr. John McLoughlin and his Guests*, in which he quotes frequently from the journals of early western travelers. *Fort Colville, 1859 to 1869*, is a brief sketch by W. P. Winans. Under the heading, *Transfer of Alaska to the United States*, may be found the instructions from Secretary of State William H. Seward, and the report of General Lovell H. Rousseau, United States Commissioner.

In the January number of the *Missouri Historical Review* there is a brief article on *Daniel Boone*, written by William S. Bryan, whose grandfather was not only a nephew of the great pioneer's wife, but was also an intimate neighbor and friend of Boone during the years he lived in Missouri. Under the heading, *A German Communistic Society in Missouri*, William Godfrey Bek concludes his sketch of the Bethel Community. *A Decade of Missouri Politics — 1860 to 1870. From a Republican Viewpoint*, is the title of a paper by Judge H. C. McDougal. The other contributions are a historical sketch of the *Missouri Historical and Philosophical Society*, and the *Muster Roll of Company B, First Missouri Cavalry, Trans-Mississippi Department, C. S. A.*

The January number of the *Annals of Iowa* is a memorial number to the late Charles Aldrich, the founder of the Historical Department of Iowa. There is a biographical sketch by John M. Brainard, who was a fellow-townsmen and intimate friend of Mr. Aldrich. Then follows the complete proceedings of the memorial services held at the Historical Building at Des Moines, on March 11, 1908, containing a verbatim report of the addresses delivered at that time. Tributes from absent friends, received in letters and telegrams at the time of Mr. Aldrich's death, memorial resolutions of various organizations, press comments, and an editorial complete the number. It was very fitting that one issue of the *Annals* of which Mr. Aldrich was so long the editor should be entirely devoted to a full account of the last sad rites over his body.

The presidential address on *History and the Philosophy of History*, delivered by George Burton Adams before the American Historical Association at Richmond on December 29, 1908, is the opening number in *The American Historical Review* for January. Professor Adams defends the principle that the true field of the historian is the discovery and recording of what actually happened. In a paper on *The State and Seignorial Authority in Early German History*, Gerhard Seeliger discusses the influence of seignorial authority upon the development of the town and of the sovereign state. *The Origin and Credibility of the Icelandic Saga*, is the



title of an interesting paper read by Professor Alexander Bugge at the International Congress of the Historical Sciences at Berlin in August, 1908. *Great Britain and the Dutch Question in 1787-1788*, by J. Holland Rose; and *President Lincoln and the Navy*, by Charles Oscar Paullin, are the remaining contributions, with the exception of *Letters of General Thomas Williams, 1862*, which are printed under the head of documents.

Among the contributions of general interest in the October number of *The Pennsylvania Magazine of History and Biography* may be noted: *Selections from the Military Correspondence of Colonel Henry Bouquet, 1757-1764*, by Helen Jordan, which throw an interesting side-light on the expedition against Fort Duquesne in 1758; *Pirates and Privateers in the Delaware Bay and River*, by William M. Mervine; *President Washington in New York, 1789*, which consists of a number of letters from Washington's private secretary, Tobias Lear, to Col. Clement Biddle, of Philadelphia, in regard to procuring certain personal and household articles for the use of the President; and a *Letter of William Penn to Thomas Janney, 1681*. In the January number, besides continuations, there is a paper on *Dutch and Swedish Settlements on the Delaware*, by Hampton L. Carson; *Letters of Gen. John Forbes, 1758*, which also tell of the capture of Fort Duquesne; and *Reinchke's Journal of a Visit Among the Swedes of West Jersey, 1745*.

#### ACTIVITIES

Under the auspices of the Massachusetts Historical Society exercises commemorative of the birth of John Milton were held at Boston on December 9, 1908. The publications of the Society will in the future be edited by Mr. Worthington C. Ford, who for six years has been Chief of the Division of Manuscripts in the Library of Congress.

The legislature of Kansas has been generous toward the Kansas State Historical Society. Fifteen hundred dollars were appropriated to mark the graves of victims of the Indian raid in 1878. The Society was granted two additional employees, making a total of eight, and an appropriation of two hundred thousand dollars

was made for the erection of a historical building. The collections of the Society, including books, pamphlets, newspapers, bound magazines, archives, manuscripts, pictures and maps, now number over three hundred and fifty thousand items.

For many years the Wyoming Historical and Geological Society of Wilkesbarre, Pennsylvania, has been making an effort to secure an endowment of fifty thousand dollars. Only three thousand dollars are now lacking, and there is good prospect that the whole sum will be secured in the near future, and that the perpetuity of the Society will thus be assured.

The Madison County Historical Society held its annual meeting at Winterset on Tuesday, March 16, 1909. A number of interesting papers were read dealing with the early history of the County, and a committee was appointed to investigate as to the advisability of providing suitable markers for historic sites. The following officers were elected for the ensuing year: H. A. Mueller, President; E. R. Zeller, Vice President; Walter F. Craig, Secretary; W. H. Lewis, Treasurer; and J. J. Gaston, Wm. Brinson, Fred Beeler, and W. S. Wilkinson, Directors.

By an act of the legislature of the State of Maine approved March 20, 1907, the Governor was authorized to appoint a State Historian from among the members of the State Historical Society. It was made the duty of the State Historian to compile data relative to the history of the State and encourage its teaching in the public schools, to promote the writing of town histories, and to examine the material for such local histories and approve of the work when completed. In the *Report of the State Historian, 1907-1908*, Henry S. Burrage tells of the work done by him since the creation of the office.

Legislation is now pending (March 23) in Wisconsin, which if favorably acted on by the legislature now in session, will add nearly seven thousand dollars to the annual support of the State Historical Society of Wisconsin. It is expected also that the legislature will vote one hundred and fifty thousand dollars for a new wing to the Society's building. Acting conjointly with the Green

Bay Historical Society the Society will place bronze tablets on historic sites in the Green Bay region. In August these tablets will be unveiled at the time of the celebration of the two hundred and seventy-fifth anniversary of the discovery of Wisconsin by the French.

The Virginia Historical Society held its annual meeting January 1, and W. Gordon McCabe was elected President in place of the late Joseph Bryan. This Society which has a large membership is rapidly gaining a valuable collection of manuscripts. Among the most important of the recent additions are a large number of letters written by various members of the Lee family. Plans are being made for the publication of the letters and papers of Richard Henry Lee, and during the past year much work has been done in the way of gathering and copying. Mr. Herbert Du Puy, of Pittsburg, has recently donated to the Society the business correspondence of Henry Banks, a prominent Richmond merchant during the period of the Revolution.

Among the recent acquisitions of the Chicago Historical Society are five volumes of early Chicago newspapers, most of them being published during the early forties. The Lincoln centenary was celebrated by the Society on February 12, at which time an address was delivered by Col. Clark E. Carr. During the week of February 8-13 there were on exhibition a large number of portraits and manuscript relics, many of them being loaned by Robert T. Lincoln and other collectors of Lincolniana. Joseph Harris, a member of the Society donated a bronze head of Lincoln, while the Gettysburg speech in bronze mounted on marble is a recent gift of the Spaulding Company. The expense of the publication of volume five of the Society's *Collections* was borne by Dr. O. L. Schmidt. The diary of James K. Polk, edited by Charles W. Mann, is now in press, and there is in preparation a monograph on *Fort Dearborn — Its Place in History*.

#### THE ASSOCIATION OF CONTRIBUTORS TO IOWA EDUCATION AND HISTORY

On January 25, 1909, there was organized at Cedar Falls a new historical agency known as "The Association of Contributors to

Iowa Education and History." The officers and the constitution of the Association are as follows:

## OFFICERS

President	H. H. SEERLEY	Secretary	IRA S. CONDIT
Vice President	J. J. McCONNELL	Treasurer	J. W. JARNAGIN
	Superintendent	G. W. WALTERS	

## EXECUTIVE COMMITTEE

CHAS. H. MEYERHOLZ	M. F. AREY
G. W. WALTERS	B. F. OSBORN

## BOARD OF CURATORS

JOHN F. RIGGS	W. H. HARWOOD	MARION M. WALKER
B. F. OSBORN	D. S. WRIGHT	SARAH M. RIGGS
E. H. GRIFFIN	G. W. SAMSON	C. H. MEYERHOLZ
I. J. McDUFFIE	G. W. WALTERS	GEORGE PERKINS
ROGER LEAVITT	M. F. AREY	MORTON E. WELDY
J. B. HARSH	L. W. PARISH	EMMONS JOHNSON

## CONSTITUTION

## ARTICLE I. NAME

The name of this society shall be "The Association of Contributors to Iowa Education and History".

## ARTICLE II. OBJECT

The object of this association shall be the collection and preservation of facts, data and materials relating to the educational, historical, scientific and social development of Iowa.

## ARTICLE III. MEMBERSHIP

Membership in this association shall be limited to such persons as are willing to contribute some definite service to the society each year. Services may consist of official duties, contributions of facts, data, etc., and of donations and loans of such materials as are of value to the association. Persons shall be admitted to membership on recommendation by the Superintendent and the Executive Committee.

## ARTICLE IV. OFFICERS

The officers of this association shall be a President, a Vice-President, a Secretary, a Treasurer, a Superintendent and a Board of eighteen Curators which shall include the Board of Trustees of the State Normal School as members ex-officio. The Superintendent shall be a Curator. All officers shall be chosen by a vote of the association at its regular annual meeting. The President, Secretary and Treasurer shall be residents of Black Hawk County. The Superintendent and three of the Board of Curators shall be members of the Normal Faculty. The Superintendent and Curators shall hold office for two years, all other officers for one year.



## ARTICLE V. DUTIES OF OFFICERS

The duties of the President, Vice-President, Secretary and Treasurer shall be such as are usually performed by those officials. The President shall call and preside over all meetings provided for by the Constitution of the association. The Board of Curators shall have full control over all the affairs of the association subject only to the regular meetings and their orders. The Board of Curators shall be represented in all their active duties by an Executive Committee consisting of the Superintendent and three other members. Meetings of the Board of Curators shall be presided over by the Superintendent. The Superintendent shall have charge of the museums and the collections and deposits of the association. He shall receive and acknowledge all contributions to the association and keep a record of the same. He shall make a report covering the duties and transactions of his office to the Board of Curators and through them to the association at its regular meetings. He shall have under his charge the publication of such reports and articles as the association, on the recommendation of the Board of Curators, shall agree.

## ARTICLE VI. MEETINGS

The regular meetings of the Association shall occur during Commencement week of the State Normal School. Special meetings shall be called by the President upon the request of the Board of Curators, or upon a request presented in writing of twenty members of the association. The Board of Curators shall meet at the call of the Superintendent, or upon a request of a majority of their number. The regular place of meeting shall be at the headquarters of the association.

## ARTICLE VII. DEPOSITORY

The headquarters and depository of the association shall be with the Iowa State Normal School at Cedar Falls. Rooms used by the association for the preservation of materials shall be such as may be provided by the Board of Trustees and shall remain under their direct control. The collections and deposits of the association shall be classified and arranged into separate groups or museums.

## ARTICLE VIII. MUSEUMS

The museums of the association shall contain general and special collections and the materials displayed shall be so classified and arranged as to come within one or the other museum. The number and names of the different museums shall be such as the Board of Curators may determine.

## ARTICLE IX. ORGANIZATION

The organization of this association shall be perfected through a meeting of members of the faculty of the State Normal School, at which meeting officers shall be chosen for the remainder of the association year. Such persons shall be considered charter members of the association.

## ARTICLE X. AMENDMENT

This constitution may be amended at any regular meeting, notice of such proposed amendment having been given by the President at least two weeks previous to the meeting, and by a two-thirds vote of those present.

## THE JEFFERSON COUNTY HISTORICAL ASSOCIATION

Mr. Hiram Heaton, Secretary of The Jefferson County Historical Association, has kindly furnished the following information concerning the activities of this enterprising local society:

"We organized this Society in January, 1903, six years ago. Mr. Jones was the first President and has been reëlected at each annual election since. Our first Secretary was Wm. J. Ross, who is Postmaster at Fairfield. For a number of years I have been Secretary, although I live on a farm ten miles from Fairfield, where meetings are always held, in the Carnegie Library, on the first Saturday of every month. We have forty members.

"Our first work was to get as full a history of each of the twelve townships as possible: of pioneers, of their descent, etc.; descriptions of the township when the first white settlers came; the first houses in the township; descriptions of life in the early days, of customs, schools, manufactures, churches, celebrations, amusements, etc.; local names of towns, by whom given; of creeks, churches, etc.; recollections of wild animals, of birds, of forests, of Indians, etc.; collection of relics, records and recollections of the Civil War, etc.

"Our society has given birth to a secondary society, The Old Settlers Society, which has bought a tract of eleven acres adjoining the city, onto which has been removed an old log house, believed to be the oldest house in the State. It was built in 1838, and was continuously inhabited until the beginning of this Society, when for a term or two it was used as a district school house. It was the first Post Office in the County. Two thousand dollars have been raised and paid on it.

"We have collected many records, relics and papers of interest now, and without doubt they will be of more in coming years. We have had many papers, reminiscences of pioneers and old settlers. We have made a list of all pioneers living; that is, of those who were in the County when Iowa was admitted as a State. There are now only five men and women who came in 1836, the first year of settlement. There are very nearly two hundred who were here when Iowa became a State."

## THE STATE HISTORICAL SOCIETY OF IOWA

A biography of Henry Dodge is being prepared by Mr. Louis Pelzer, whose *Augustus Caesar Dodge* appeared last December.

Mr. E. H. Downey, formerly Research Assistant in The State Historical Society of Iowa, is fellow at the University of Chicago for the current academic year.

The twenty-seventh biennial report of the Society, which was submitted to the Governor last October, has been printed. It contains an account of the organization and work of the Society, together with recommendations for an additional appropriation.

Mr. Samuel Ritter, of Philadelphia, formerly of Dubuque, Iowa, has presented to the Society some old prints giving views of Dubuque in 1848 and 1856, and some splinters taken in 1856 from the old cedar cross which for many years marked the grave of Julien Dubuque.

The following persons have recently been elected to membership: Hon. B. P. Birdsall, Clarion, Iowa; Judge Matthew C. Matthews, Dubuque, Iowa; Hon. Lars W. Boe, Forest City, Iowa; Mr. Henry Cadle, Bethany, Missouri; Mr. C. H. Wegerslev, Alta, Iowa; Mr. Albert T. Cooper, Cedar Rapids, Iowa; Mr. Frank Shinn, Carson, Iowa; Judge Franklin C. Platt, Waterloo, Iowa; Mr. John M. Grimm, Cedar Rapids, Iowa; Mr. E. M. Scott, Cedar Rapids, Iowa; Mr. Willis G. Haskell, Cedar Rapids, Iowa; Mr. Frank F. Dawley, Cedar Rapids, Iowa; Mr. Henry B. Soutter, Cedar Rapids, Iowa; Judge W. N. Treichler, Tipton, Iowa; Judge A. D. Bailie, Storm Lake, Iowa; Mr. Robt. J. Bannister, Des Moines, Iowa; Mr. John S. Ely, Cedar Rapids, Iowa; Hon. Charles J. Fulton, Fairfield, Iowa; Hon. James W. Good, Cedar Rapids, Iowa; Mr. Maro Johnson, Chicago, Illinois; Mr. N. W. Macy, Pasadena, California; Mr. J. F. Rall, Cedar Rapids, Iowa; Judge Chas. E. Ransier, Independence, Iowa; and Hon. Milton Remley, Iowa City, Iowa.

## NOTES AND COMMENT

Professor Jesse Macy of Iowa College is conducting courses at Stanford University during the present semester.

A biography of Grover Cleveland is being prepared by President Finley of the College of the City of New York.

The State Conference of Charities and Corrections held its tenth annual session at Des Moines, January 20-22, 1909.

The Iowa State Fish and Game Protective Association is a new Iowa organization which held its first annual meeting at Dubuque on January 4, 1909.

Mr. Clarence S. Brigham, formerly librarian of the Rhode Island Historical Society has been chosen librarian of the American Anti-quarian Society.

The Iowa Equal Suffrage Association, assisted by the Professional Women's League of Des Moines, gave a banquet at the Savery Hotel in Des Moines on January 15, 1909.

The State of Michigan is now being governed under a revised Constitution, which was ratified by the people last November by a vote of 240,000 to 130,000 and which went into effect January 1, 1909.

The scholarship of the far west will be represented at the University of Berlin next year when President Benjamin Ide Wheeler, of the University of California, will occupy the position of Roosevelt Professor.

On December 20, 1908, Francis Philip Fleming, ex-Governor of Florida, who for two years had been President of the Florida Historical Society, passed away. He was born in Florida, was a soldier during the War for the Union, and was a successful lawyer and a politician of the best type.



At Atlantic City, December 28-31, 1908, there were held the annual meetings of the American Economic Association, The Sociological Society, The American Association for Labor Legislation, and the American Statistical Association.

On Washington's Birthday the annual Iowa picnic was held at Los Angeles, California. According to reports nearly twenty thousand former Iowans gathered at Agricultural Park, where the ground was laid off in the shape of a gigantic map of the Hawkeye State, with spaces assigned to the various counties.

A worthy effort to secure intelligent legislation on a great public question is to be seen in Michigan. There a committee of the delegates to the late constitutional convention and a committee of the League of Michigan Municipalities worked together to formulate a new general law for the incorporation of cities.

Adelaide R. Hasse, of the New York Public Library, has been engaged by the department of economics and sociology of the Carnegie Institution of Washington to direct the preparation of an index of economic material contained in State documents. A volume will be devoted to each State, and will cover all State publications down to the close of the year 1904.

Evidence of the growing appreciation of the need for more scientific methods in the field of legislation is to be found in the number of States which are providing for legislative reference bureaus of one kind or another. During the past year legislative reference work has been either newly established or enlarged in Alabama, Indiana, Michigan, Nebraska, North Dakota, Rhode Island and South Dakota.

The Twenty-fourth annual meeting of the American Historical Association was held at Washington and Richmond, December 28-31, 1908, in connection with the meeting of the American Political Science Association. The presidential address by Professor George Burton Adams was on the subject, *History and the Philosophy of History*. One session was devoted mainly to the discussion of the value of the newspaper as an historical source, while European His-

tory and the Wilderness Campaign each occupied a session. A number of conferences and a business session took up the remaining time. Various receptions, smokers and luncheons afforded the opportunity for making and renewing acquaintances which is such an important part of these meetings.

The third semi-annual meeting of the Mississippi Valley Historical Association was held at Richmond, Virginia, on December 30, 1908. The following papers were read at that time: *Trade Conditions in Illinois, 1785-1798*, by C. E. Carter; *The North Carolina Session of 1784 in its Federal Aspects*, St. George L. Sioussat; *William Clark, the Indian Agent*, by Harlow Lindley; and the *Story of Sergeant Charles Floyd*, by F. H. Garver. The mid-summer meeting of the Association will be held at St. Louis late in June.

The American Political Science Association held its fifth annual meeting at Washington, D. C. and Richmond, Va., December 28-31, 1908. The papers read before the Association were devoted to such general subjects as the Increase of Federal Influence and Power in the United States, Recent Tendencies in State Constitutional Development, Agencies in the Betterment of Municipal Administration, American Colonial Problems, International Law, and Instruction in American Government in the Secondary Schools. Many luncheons, receptions, and excursions, combined to make the meeting a pleasant one socially. Professor A. Lawrence Lowell, of Harvard University, was chosen President of the Association for 1909. The next annual meeting will be held in New York City during Christmas week.

## CONTRIBUTORS

LOUIS PELZER, Research Assistant in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1908, p. 159.)

KENNETH W. COLGROVE, Student at The State University of Iowa. Won the Colonial Dames Prize for the best essay on Iowa history, in 1908. Born at Waukon, Iowa, 1886. Graduated from the State Normal College, 1905.

JACOB VAN DER ZEE, Research Assistant in The State Historical Society of Iowa. Born at St. Anna Parochie, Friesland, The Netherlands, February 9, 1884. Graduated from The State University of Iowa, 1905. Rhodes Scholar at the University of Oxford, 1905-1908. Author of *Roads and Highways of Territorial Iowa*.

THE IOWA JOURNAL OF HISTORY AND POLITICS

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# A JOURNAL OF MARCHES BY THE FIRST UNITED STATES DRAGOONS 1834-1835

## INTRODUCTION

The *Journal* which is given below was written by a Dragoon and contains sketches of several of the marches of the First United States Dragoons, a military organization created by Congress in March, 1833. The operations described extend over the area of five of the States of the Mississippi Valley and embrace explorations and councils and treaties with Indian tribes.

The Dragoons, organized for the more perfect defense of the frontier, were a fine body of men who had been enlisted from nearly every State in the Union in the summer months of 1833. The commanding officer of this regiment of ten companies was Colonel Henry Dodge. Among the other officers were such men as Lieutenant Colonel Stephen W. Kearney, Captains Nathan Boone, Jesse B. Browne, Edwin V. Sumner, and Lieutenants Jefferson Davis and Albert Miller Lea. The rendezvous of the regiment was Jefferson Barracks, near St. Louis, where the companies were drilled and instructed in the fall of 1833. The *Journal* records the four distinct marches or campaigns in which Company I participated.

The first march chronicled by the Dragoon historian in the *Journal* was made between May 11, 1834, and June 2, 1834, and extended from Jefferson Barracks to Fort Gibson — a distance of 453 miles. Company I was under the command of Captain Browne, and the route led in a south-westerly direction across the State of Missouri. Five companies under Colonel Dodge had arrived at Fort Gibson

on December 17, 1833; and other companies arrived in the spring of 1834. Company I was among the last to reach Fort Gibson.

Another march was the summer campaign (from June 15, 1834, to August 15, 1834) to the Pawnee Pict and Comanche villages on the headwaters of the Red River. Eight companies of about five hundred men left Fort Gibson to hold treaties and councils with these roving tribes. The hardships endured and the great number of deaths in the regiment make this march and the return to Fort Gibson a notable one in the history of military campaigns. The *Journal* for this campaign is a narrative account rather than a journal or diary of events. Moreover, large portions of this *Journal*, describing the outward march to the Pawnee Pict village, were more or less literally incorporated in Hildreth's *Dragoon Campaigns to the Rocky Mountains*.<sup>1</sup>

A third march recorded in the *Journal* was the journey of companies B, H, and I, under the command of Lieutenant Colonel Stephen W. Kearney. These companies left Fort Gibson on September 3, 1834, and arrived at Fort Des Moines on the Mississippi on the 25th of the same month. "As barrack life has a great sameness", concludes this part of the Dragoon's *Journal*, "I shall bid adieu to my

<sup>1</sup> James Hildreth was a member of Company B and received his discharge at Fort Gibson soon after the return of the Dragoons from the Pawnee Pict village. His *Dragoon Campaigns to the Rocky Mountains*, a volume of 288 pages published in 1836 by Wiley and Long of New York City, is a history of the formation, organization, marches, and campaigns of the First Regiment of United States Dragoons. The account is presented in the form of letters and the writer's own observations are supplemented by facts and descriptions from many sources. "In selecting materials from a prolific correspondence, he has had to pick here and there a scrap, and cement them together as well as circumstances would permit." (p. 6.) The journal of the march to the Pawnee Pict village which was kept by Lieutenant T. B. Wheelock and published in the *American State Papers, Military Affairs*, Vol. V, pp. 373-382, is specifically mentioned in the author's preface. Comparisons show that Hildreth found excellent material for his volume in the *Journal* kept by the Dragoon of Company I.

journal untill something worthy of not[e] transpires.”—  
(See below p. 364.)

The fourth and last part of the *Journal* holds by far the greatest interest and value to students of Iowa history, for it records the story of the march of 1,100 miles by companies B, H, and I, under Lieutenant Colonel Kearney. On June 7, 1835, this detachment left Fort Des Moines and marched between the Des Moines and Skunk rivers to near the mouth of the Boone River. Then taking a northeasterly course they arrived at Wabashaw's village on the Mississippi River in Minnesota. After remaining here about a week the companies marched westwardly. Then taking a southerly course they reëntered Iowa in Kossuth County and reached the Des Moines. After crossing this stream, they descended it on the lower side and reached Fort Des Moines on August 19, 1835, without sickness or the loss of a single horse or man.

Records of this expedition have survived in several geographical names in Iowa. It is likely that the accounts of the fertility of the prairies stimulated immigration and settlements. Lieutenant Albert Miller Lea, commanding Company I, was the chronicler and topographer of the expedition. The writing of his *Notes on Wisconsin Territory*<sup>2</sup> would not have been possible without the knowledge and observations gained during this expedition through Iowa to Wabashaw's village and the return down the Des Moines River.

The authorship of the *Journal* has not yet been determined by students of the history of Iowa. At two different

<sup>2</sup> This rare volume published in 1836 by Henry S. Tanner of Philadelphia contains 53 pages and a map of the Iowa region. The work is an excellent description of that part of the original Territory of Wisconsin lying west of the Mississippi River. It was this region that the book christened the "Iowa District." The map shows the route of the Dragoons and was an indispensable aid in correlating the Dragoons' track with modern Iowa geography.



places the author has signed himself as "L", and he states that he was a member of Company I commanded by Captain Browne. From an examination of the roster of this company for 1835-1836 no safe deductions as to the authorship can be drawn; and the identity of the writer of the *Journal* may, perhaps, never be discovered.

Twenty-eight pages thirteen by eight inches roughly stitched together at the back comprise the original manuscript of the *Journal*. Many of the pages are discolored and faded by age; but the writing, which is all in ink, remains fairly legible. For many years the manuscript was in the possession of Mr. Chas. W. Gaston, a former member of Company I and the first settler of Boone County. On his death in 1892 the *Journal* came into the possession of his step-daughter, Mrs. Kate Zimbleman of Boone, Iowa. In September, 1908, information concerning the manuscript was sent to Mr. C. L. Lucas, President of the Madrid (Iowa) Historical Society, who then examined the *Journal*, considered it of historical value, and caused the fourth part of it to be published in the *Madrid Register-News* of October 1, 1908.<sup>3</sup> Correspondence between Mr. Lucas and Professor Benj. F. Shambaugh, Superintendent and Editor of The State Historical Society of Iowa, ensued; and in compliance with Professor Shambaugh's request the original manuscript was sent to Iowa City to be edited and published in THE IOWA JOURNAL OF HISTORY AND POLITICS. It was upon the request of Professor Shambaugh that the writer undertook to edit the original manuscript for publication.

LOUIS PELZER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

<sup>3</sup> In a prefatory paragraph to the fourth portion of the *Journal* published in this newspaper, the authorship is attributed to Lieutenant Albert Miller Lea. Internal evidence in the *Journal* would seem to prove, however, that such is not the case, and that it was written by either an officer of lower rank or by a private.

*Journal of different Marches Made by the Dragoons in the years 1834, 5 & with some remarks*

[THE MARCH FROM JEFFERSON BARRACKS TO FORT GIBSON  
MAY 11, to JUNE 2, 1834]

[Sunday, May the Eleventh]

Upon the 11th May 1834 we were ordered to march upon our summers Campaign by the way of Ft Gibson <sup>4</sup> (Arkansas Territory) we this day made but a short march of only 2 miles & encamped upon the banks of Clear creek

[Monday, May the Twelfth]

12 Made 18 miles & encamped near the Village of Manchester <sup>5</sup> a small town containing I should suppose 10 or 15 families

[Tuesday, May the Thirteenth]

13 After marching 20 miles encamped about 15 miles North of Uniontown <sup>6</sup> in a good situation. Here one of the men was so unfortunate as to lose his horse & was supplied with one from the packs

[Wednesday, May the Fourteenth]

14 Came 21 miles and encamped upon Bobois River

[Thursday, May the Fifteenth]

15 Encamped at Kearney having come 25 miles

<sup>4</sup> Fort Gibson was situated on the left bank of the Neosho or Grand River, two and a half miles from its confluence with the Arkansas River. The site is now occupied by the village of Fort Gibson in Muskogee County, Oklahoma. The commanding officer was Colonel Matthew Arbuckle, and when Colonel Dodge's five companies of Dragoons arrived there on December 17, 1833, the garrison consisted of nine companies of infantry of a total of 372 men and officers.

<sup>5</sup> The present day village of Manchester in St. Louis County, Missouri, contains a population of about 500, and is located about twenty miles to the westward of the city of St. Louis.

<sup>6</sup> This place seems to correspond to the location of the town of Union, the county seat of Franklin County, Missouri.

[Friday, May the Sixteenth]

16 Came 22 miles and slept at Camp Dodge

[Saturday, May the Seventeenth]

17 Made 23 miles

[Sunday, May the Eighteenth]

18 Marched 25 miles and encamped upon a small river call by the Inhabitants Big Piney

[Monday, May the Nineteenth]

19 This day we made 15 miles & encamped upon Roberts River. Our horses & mules Much Fatigued & some of the men sick One of the men (*Neale*) was put in confinement for disobedience of orders this evening. Here we found good water, grass &c

[Tuesday, May the Twentieth]

20 We encamped upon the Gasconade river <sup>7</sup> having made only 15 miles

[Wednesday, May the Twenty-First]

21 Encamped upon the osage branch <sup>8</sup> of the last named river (Made but 20 miles) Encampment good. Corn for our horses plenty. Country very broken. Plantations ten or fifteen miles distant. This country is mostly an oak barren with some small Praries of Good land, Wild game & fish are plenty

[Thursday, May the Twenty-Second]

22 Marched 23 miles encamped at camp mason. All thing required plenty except corn. Passed some Cherokees Moving from Georgia to Arkansas. they state they have been 2 months on the road.

<sup>7</sup> Gasconade River has its sources in the southern part of Missouri and flows northward, emptying into the Missouri River at a point about seventy miles due west of St. Louis.

<sup>8</sup> The Osage Fork and the Lock Fork of the Gasconade River rise in Webster County, Missouri, and meet in Laclede County.

[Friday, May the Twenty-Third]

23 After a march of 27 miles made Camp Clyman. The first part of this days march was over a barren soil with good water, in the afternoon the land was good with some of the best springs I ever saw. Our men & horses are improving & our situation is as pleasant as can be expected while on a march. Our officers are J. B. Brown[e], Capt.<sup>9</sup> A. G. Edwards Lieut. L. A. Styles 1 B. F. Price 2 J. C. Parrott<sup>10</sup> 3 L. A. Thompson 4 sergeants Bartlett —<sup>11</sup> Ter-  
rill Easman & rice Corporals

[Saturday, May the Twenty-Fourth]

24 This day made 21 miles over a fine country well watered and at some future day will be full of inhabitants. We passed a Village called Springfield with 15 or 20 log Cabbins & to all appearance the inhabitants are idle & lazy depending upon their negroes for support which is the custom in all slavestates. I observed no less than 4 or 5 grog shops in fact all men in this country sell Whiskey & other things to us soldiers at a most exorbitant price — For instance 25 cts a pt for Whisky 12½ cts a qt for milk &c

<sup>9</sup> Jesse B. Browne was a Kentuckian by birth and at an early age removed to Illinois where he became a captain of the United States Rangers commanded by Major Henry Dodge. In August, 1833, he was commissioned captain of Company I of the First United States Dragoons and served as such until 1837. During the Territorial period of Iowa he served four terms in the Council and one term in the House of Representatives. He became the first Speaker of the House of Representatives when Iowa was admitted as a State in 1846. He was a man of commanding presence and polished manners and was popular among his constituents. His death took place in Kentucky in 1864.

<sup>10</sup> James C. Parrott enlisted in the regiment of Dragoons on February 10, 1834, when twenty-two years of age and served for three years. Until 1852 he was engaged in mercantile business at Fort Madison after which he became a resident of Keokuk. During the Civil War he rose to the rank of lieutenant colonel and was brevetted brigadier general by Congress. For ten years from 1867 he was postmaster at Keokuk where he died in 1898.—See his article on *The First United States Dragoons* in the *Iowa Historical Record*, Vol. VI, No. 3, pp. 523-526.

<sup>11</sup> This name is evidently S. M. Burtlett, from an examination of the roster of Company I as found in the *Iowa Historical Record*, Vol. I, No. 1, pp. 34-36.



[Sunday, May the Twenty-Fifth]

25 Made 22 miles &amp; stopped at Camp Edwards

This country is a sort of Oak barren. We passed old Delaware Town which is deserted by all its old inhabitants, We have as yet seen no Indians & but few white inhabitants. We are still in company of the half breeds moving a[s] stated above

[Monday, May the Twenty-Sixth]

26 In a heavy rain came 15 miles encamped on a branch of White river at a place called camp cass.<sup>12</sup> The appearance of the country much the same as yesterday. Only 2 squatters on the road and no others within some miles. There is said to be plenty of Elk in this section but we have seen none & no game of any kind for several days

We are now on half rations of meat in consequence of our neglect in curing beef which was issued to us 5 days since Most of the men are getting better but some have the Mumps & encamping on the ground & living in a manner new to them makes it bad for them to ride as they in most instances have[?] & renders them both troublesome & dangerous, Our mules & pack horses are improving or at least getting no worse. Most of the rode horses are in good condition & some of them in beter order than when we started. We encamped without corn in the wood far from the abode of man & we anticipate a heavy rain & disagreeable night. This country is remarkable for insects such as snakes, Ticks, & Cattipillars.

[Tuesday, May the Twenty-Seventh]

27 Came 25 miles. Encamped at Webster. Plenty of Wood & water. The first half of this days march was over a country poor by nature But in the afternoon we marched

<sup>12</sup> Evidently in Barry County, Missouri, the county seat of which is Cassville, a village of 700 people.

over the best land I have seen in (Mo) We are near the line and shall probably be in Arkansas to-morrow There are but few inhabitants on the road but we get corn for our horses We sent back 3 sick men to a white settler this morning in the evening 2 more were left

[Wednesday, May the Twenty-Eighth]

28 Came 23 miles & encamped at Jackson.<sup>13</sup> The first part of the land we passed to day was hilly the middle rich bottom land the latter part a beautiful Prairie. Saw several Deer. Passed some Indians and 2 White plantations.

[Thursday, May the Twenty-Ninth]

29 Came 34 miles over a variety of soil some good some bad but in general better than in Missouri. Saw some Indians & several white settlements. We passed this evening a cluster of buildings & as the Village has no name I called it Browns town. We are now less than 70 miles from the place of our destination & if we are favoured by Providence the rest of the way we shall have no reason to complain of the tediousness of the way. We have had the good fortune not to have a rainy night since we left (Jeff. Bks) [Jefferson Barracks] & our health have been better than could be expected. Men & horses are improving daily & time passes Mer[r]ily. There are some fine springs in this country we have passed several which are sufficient to turn a mill at all seasons of the year. It is now past 11 & we have to rise before 3 therefore I must take to my blankets for repose trusting the fatigues of the days march will render sleep inviting

[Friday, May the Thirtieth]

30 This day we came 28 miles to camp Downingsville situated in a pleasant Valley belonging to the Cherokees

<sup>13</sup> The route of this day's march seems to pass through Benton County, the northwesternmost county of the State of Arkansas.

We are only one days march from the Fort & should arrive there tomorrow but we must stop and prepare for inspection when we arrive there.

[Saturday, May the Thirty-First]

31st Came 22 miles & encamped at a place called Big Spring. This evening Col Kearney<sup>14</sup> arrived from Jeff Bks [Jefferson Barracks]. We passed a small river called Illinois<sup>15</sup> what was the cause of the name I have not learned [(The land is better in general than in Mo[.]) We see many Indians & but few whites in this part of Arkansas

[Sunday, June the First]

June 1st Tarried all day it being remarkably warm for the for the season. We are now 10 miles from the Fort.

[Monday, June the Second]

2d Marched 9 miles and encamped 1 mile from the Fort at a place called camp Jackson<sup>16</sup> We are now at the end of our journey to this place, having marched 453 miles but when we shall start is uncertain — here a great alteration took place in our non commissioned officers, to my

<sup>14</sup>Stephen Watts Kearney, lieutenant colonel of the First United States Dragoons, was born in 1794 and served through the War of 1812. In 1846 he rose to the rank of brigadier general and served in the western division of the army. He served with honor in the Mexican War, became Governor of California in 1846 and died the next year. He was the author of a *Manual of the Exercise and Manoeuvring of U. S. Dragoons*.

<sup>15</sup>Fort Gibson was located about twenty-one miles northwest from the point where this river emptied into the Arkansas River. The sources of the Illinois River are in Benton County, Arkansas.

<sup>16</sup>James Hildreth, a Dragoon in Company B, commanded by Captain Edwin V. Sumner, wrote in the spring of 1834 concerning this camp as follows: "We are now quartered in large barrack-rooms, built of oak shingles, situated at the outer edge of the wood, upon a high piece of ground which overlooks a wide and lovely extent of country. Each troop has one of these barrack-rooms, or rather barns; for indeed although they answer a somewhat better purpose than our tents towards keeping us from the inclemencies of the weather, still they are, in point of comfort, scarcely equal to a country barn."—*Draagoon Campaigns to the Rocky Mountains*, p. 85.

satisfaction & I hope to the satisfaction of both officers & soldiers Parrott, 1 Price 2 Thompson 3 Styles 4 Sergeants all the corporals remain as before.

[THE MARCH FROM FORT GIBSON TO THE PAWNEE PICT AND  
COMANCHE VILLAGES JUNE 15 TO AUGUST 15, 1834]

The regiment of Dragoons being assembled at Fort Gibson on the 15 June 1834 we<sup>17</sup> commenced an expedition to the Pawnee & Camanchie Villages of Indians for the purpose of making a treaty of peace or enforcing such measures for the preservation of our citizens while engaged in hunting and exploring that section of the country.<sup>18</sup> Having crossed the Arkansas River we were joined by a small party of Osages, Senecas, Cherokees & Delawares and under their guidance<sup>19</sup> set forward in the direction most likely to lead us to the abodes of these savages Nothing worthy of remark occurred for several days except the sight of a fine country, entirely uncultivated which seems of no value while in the hands of these half civilized Indians But the time no doubt will arrive and that too before many years when civilization shall have extended its influence entirely throughout that region of the country Lying west of the Arkansas at present in a state of unprofitable

<sup>17</sup> That is, eight companies besides that of Captain Jesse B. Browne. The entire force as it left Camp Jackson consisted of about 500 men commanded by Colonel Henry Dodge. A complete account of Dodge's expedition was kept by Lieutenant T. B. Wheelock, and is to be found in *American State Papers, Military Affairs*, Vol. V, pp. 373-382.

<sup>18</sup> The locations of these villages have not been accurately determined, but they were situated somewhere on the headwaters of the Red River. "It is deemed indispensable to the peace and security of the frontiers that a respectable force should be displayed in that quarter," said Lewis Cass, the Secretary of War, "and that the wandering and restless tribes who roam through it should be impressed with the power of the United States by the exhibition of a corps so well qualified to excite their respect."

<sup>19</sup> Eleven Osages, eight Cherokees, six Delawares, and seven Senecas.



idleness and many an enterprising and industrious emigrant may fearlessly rear his humble cot in the very heart of this savage country. The Canadian river on which has lately been established a military post is at times a considerable stream but this season having been uncommonly dry we found no difficulty in fording the water scarcely reaching our horses knees.<sup>20</sup>

Having crossed late in the day we pitched our tents and formed an encampment on the western bank. This country is famous for Buffalo which from various signs appeared to have been quite unmolested this season. Col. Dodge our commanding officer with a party of about 40 men left our camp and proceeded in advance for Washitaw where we expected to be reinforced by 2 companies of Infantry under the command of Genl. Leavenworth [Leavenworth]<sup>21</sup> The ballance of the Regiment set forward the same day and arrived at Camp Washitaw a new military Post about one mile and a half from false Washitaw River<sup>22</sup> On the 1st of July having travelled 220 miles from Fort Gibson. The country between Camp Canadian & the Washitaw is very interesting. At times we found ourselves in the middle of a large Prairie the surface unobstructed as far as the eye

<sup>20</sup> This day's march was in Hughes County, Oklahoma. On June 25, 1834, Lieutenant Wheelock, Colonel Dodge's chronicler, records: "Colonel Dodge and staff reached Camp Canadian, on the west bank of the Canadian, thirteen miles from last camp, at twelve o'clock; reported to General Leavenworth, whom we found in camp; command came up at two o'clock. Road to-day through open, level prairie, well watered; crossed the Canadian half a mile below the mouth of the Little river; Canadian two hundred yards wide, bed nearly dry, low banks; Indian name signifies 'river without banks.'"

<sup>21</sup> "At half past eight o'clock", records Lieutenant Wheelock on June 26, "Colonel Dodge and part of his staff and a detachment of about twenty dragoons, and our bands of Indians, preceded the command, and found General Leavenworth at Camp Osage, five miles south of Cane creek; halted at half-past five o'clock p. m., thirty-two miles from Camp Canadian."

<sup>22</sup> Evidently the Washita River.

could reach at others winding our way through rich woodlands over craggs and thro dells delightfully Romantick and interesting. The soil of this country is capable of producing almost any grain or produce necessary for support. Wild grapes & plumbs are to be found in great abundance. The greatest difficulty is in obtaining good water which we found very scarce about 40 miles west of Canadian. We passed a village of Osages a nation which are scarce more civilized than those who have never been treated with. They still retain most of their wild habits, living on game & possessing a vast extent of country almost entirely untilled. They clothe themselves in Buffalo & other skins but during the warm season they go almost naked and paint themselves in the most grotesque and unmeaning figures. The village contained probably three hundred males & females including children. They offered various trifles of their own manufacture in exchange for tobacco & Butcher Knives, many of them accompanied us to our Camp and such trifling articles as they could not obtain by traffick they found means of Pilfering Their manner of living reminds me of the wandering Gypsies hunting & theft being their principle means of subsistence; during the summer they wander from place to place providing for the day without thought or care for the morrow. They frequently during the summer encounter other Tribes of Indians who infest the Prairies and prowl about for plunder or other mischief. In a recent engagement with the Pawnee & Kioways the Osages succeeded in taking prisoners 2 squaws 1 a Pawnee & the other a Camanchie or Kioway who are both now with us for the purpose of restoration in the hopes of an amicable treaty or to be exchanged for a Prisoner (one of the rangers) taken from Capt Boon[e]'s Company during the campaign of 1833.

Having arrived at Camp Washitaw we received a supply of provisions & after a few days delay we crossed the Washitaw river tho' not without considerable difficulty. The water being quite deep we were obliged to swim our horses which we accomplished tho not without the loss of several. Our baggage we transported by means of a raft constructed by canoes lashed together and covered with planks. We also used a canvass Boat covered with gum Elastick belonging to Col Kearney which we found to answer an excellent purpose<sup>23</sup> Having encamped on the opposite side with our whole force & concluding it best to travel with as little encumbrance as possible, Col Dodge selected about 250 men<sup>24</sup> & horses most able for duty & taking only 10 days provisions for 20 days sustinence, set forward on a forced march. Our waggons were all left at this Camp expecting to follow and join us when reinforced by Gen'ls Leavensworks Infantry. On the 7 July we commenced our march from the Washitaw. The weather was extremely oppressive & it being late we proceeded but 8 miles when we encamped and strengthening our Guard we concluded to pass the night Many suspicious signs were seen such as Poney tracks recent fires and so forth and in fact an Indian spy probably a Pawnee or Camanchie was actually discovered near our Camp pursuit was made but to no purpose Having retired to rest the night being dark & in an enemies country anxiety naturally pervaded every rank. All was silent. The mouldering embers of every fire occasionally stirred by the evening breze shot forth a mo-

<sup>23</sup> Lieutenant Wheelock's journal of July 4, 1834, reads: "The right wing of the regiment crossed the Washita. Command encamped about four miles west from Camp Washita. Four horses drowned; last wagon passed over after dark in the evening. The Washita is a narrow stream, about forty-five yards in width; water of a dark red color, banks bold; shores miry; inconvenient landing for horses."

<sup>24</sup> The nine companies chosen for this march were B, C, D, E, F, G, H, I, and K.



mentary flickering which served to render the night still more gloomy. Nought could be heard but the steady steps of the sentinel or the occasional tramping of our horses which were picketed in the centre of the encampment. Most of the men worn with fatigue had sunk in profound slumbers. 'Twas probably midnight when we were unexpectedly startled from our sleep by a sudden alarm. Our horses broke their fastenings & ran in all directions all was confusion & dismay — each man seized his arms & prepared himself for an attack — the bugle sounded the assembly — the several Companies arrayed themselves opposite their respective divisions — each one expecting the Indians were upon us but having restored order we found the alarm had proceeded from the mistake of a sentinel who fired upon & killed a horse that had slipped his fastenings and wandered beyond the line of our Encampment. After being shot the horse ran violently among the horses which occasioned them to break. Our horses were now our main dependence and some means were necessary to recover them and fearing they might fall into the hands of the Indians we divided ourselves into several parties and taking different routs set immediately out in search of them. A party of six men under the Command of Lt. Nortrop [L. B. Northrop] an officer who exhibited many marks of fearlessness and courage during the campaign set out in the direction of our former camp. The night was too dark to discover our course we however marched to the old camp and concluding it best to wait till day we lay down anxiously looking for light. Which having arrived we subdivided ourselves into 3 parties and each party taking a different rout pursued the search — our party consisting of six taking a southerly course travelled through thickets & swamps over knolls & through hollows for about 8 miles and succeeded in finding six horses, which having secured we prosecuted



our search still further, having entered a a thicket almost impassable we came to a small creek of standing water—, the banks being of Clay we very distinctly discovered the tracks of a Poney which appeared quite recent. We also discovered the tracks of a bear which we followed some distance farther into the thicket but finding the horse tracks to grow more numerous we concluded it best to retrace our steps (our party being small) which we accordingly did with our recaptured horses into camp where we found many had already been brought in. We remained in Camp this day and early next morning (July 9) commenced our march we had proceeded but a few miles when our flank guard espied a small party of mounted Indians on our left we were immediately ordered to halt & a party of about 40 men under the command of Capt Hunter were ordered towards them with a Flag of truce having proceeded 2 or 3 miles they sent back word that they could distinguish their white Flag. This however probably was a mistake as we soon lost sight of the Indians & saw no more of them for several days but from this time forward we carried in advance on each side a white flag. The next morning (July 10) having seen a number of Buffalo several hunting parties were sent out. Our party under Capt Boone after riding through a thicket of Briers almost impassable found 2 that had been killed the night before & loading our horses with as much meat as they could conveniently carry returned to the Regiment which we found already on the march. Having disposed of our burthen we started off again in pursuit of more — we rode through several thickets composed of nettles & briers so thickly matted together — as almost to forbid a passage — our horses were so torn by them that the blood literally streamed down their legs & breasts. Ourselves not entirely escaping our hands & faces being more or less scratched We saw but one drove of Buffalo

during the morning which having been closely pursued & fired at by the Indian of our party we were unable to approach near enough to fire among them. We rode 20 miles when towards evening having entered the grand Prairie we unexpectedly found ourselves in the midst of 2 or 3000 head— Within about 200 yds stood a fierce bull of most extraordinary size weighing not less than 2500 lbs.

This was the first opportunity I had had of viewing closely one of these prodigious animals They appear well adapted the country they live in, their heads & necks even as far down as the shoulders are covered with long shaggy hair and also their fore legs as far down as the fetterlock joint which protect their feet from the thorns & briars which they force their way through without the least inconvenience. We all dismounted and advancing cautiously fired three successive shots into him before he fell. When we closed in upon him as near as our horses would approach and at one well aimed fire laid him prostrate and immediately commenced butchering him. In his left shoulder (grown into the flesh) we found the steel point of an Indian arrow which had no doubt been long there as the flesh around it had become completely calloused, having ladened our horses with as much of the meat as they could conveniently carry and finding night approaching we moved on to our encampment where we found several Buffalo had been brought in — One of the command this morning while riding through the thicket found several pieces of a pair of saddle bags which had no doubt belonged to a citizen by the name of Martin who had been murdered by the Pawnees but a few weeks before on Washitaw River. The barbarous acts of thes[e] Indians are not confined only to their own dominions but extend even as far East as the waters of the Arkansas, but their principle aim is to intercept the Santa Fee Traders where their object alone is plunder. Company

A of the Dragoons was ordered this season to accompany & protect the traders while on their expedition,<sup>25</sup> but the strength of the parties engaged has within a few years increased to a sufficient force to repulse any attack that may be made upon them by the Indians.

We are now on the Grand Prairie an unbroken barren as far as the eye can reach faintly on the extreme edge may be discerned the river timber which resembles the first faint glad sight of land at sea, on eather side may be seen herds of Buffalo & occasionally herds of wild horses which are quite numerous here, several have been taken by the Indians belonging to our party. They are remarkably fleet & well formed horses not stunted & small as those generally rode by the Indians which is caused by their being rode much to young. They are of a noble appearance.

On the 14 July having marched about 6 miles we discovered on an eminence about 3 miles distant a party of mounted Indians about 40 in number we moved cautiously towards them untill within about a mile of their position & halting our main body sent forward our guard towards them. The Indians also sent a party of about the same strength to meet them but becoming suspicious several times retreated when within a few hundred yards of our guard. We then sent a single man who was met by the foremost of the Indians. Twas a moment of anxiety and interest on this evidently depended the issue of the expedition. Every voice was still and even the horses seemed instinctively to maintain order & silence. The hand of friendship was proffered & received on either side and the next moment with more confidence that might be expected this small band of savages were riding fearlessly in the centre of our colums — We learned they belong to the Camanchee Tribe and were

<sup>25</sup> Colonel Dodge's instructions of May 9, 1834, to Captain Clifton Wharton of Company A are to be found in Dodge's *Military Order Book*, pp. 82, 83, in Historical Department, Des Moines, Iowa.



on a hunting expedition for Buffalo. However we immediately set forward under their Guidance for the village of the Pawnees & their encampment. They are a very numerous tribe & extend over a vast extent of country lying between Red river and the north fork of the Washitaw. They have no villages but wander from place to place living entirely on game & wild fruits. They are armed with Bows Arrows & Spears and clothed in Buffalo, Elk & Deer Skins. Many of them have manufactured clothing which has been either plundered from the Americans or bartered for from the Spaniards. They are of a copper colour. their faces broad & large & are powerful built men. The squaws are distinguished by their hair being cut short. They are allies of the Pawnees & Kioways and Aripatroes [Arapahoes] & together when prepared for battle form a force not easily conquered. (On the 16 inst) We arrived at the encampment of the Camanches. The day was wet & unpleasant but the beauty of the surrounding country the natural associations mingled with our present situation the sight of these savages and their wild abodes and the consciousness of our being in a country hitherto untraversed by civilized man seemed to attract an interest to every incident or object that presented itself. A chain of Mountains formed entirely of rock of stupendous appearance extend themselves in a distance on the left which from their situation evidently connect themselves with the rocky mountains.

The whole country in the vicinity of these mountains is well watered and seems formed by nature expressly for the pursuits & sports of these wild Indians — Our encampment is divided from the wigwams of the Indians by a small stream of water the banks of which are almost perpendicular & probably 40 feet above the water. I cannot forbear mentioning to show the fearlessness of the squaws a little incident which I noticed soon after our arrival. Hundreds



of them swarmed around our camp to reach which they were obliged to cross the ravine Which appeared impossible to accomplish on horseback, one squaw with a small child about 2 years old plunged down the precipice on a horse as wild and fearless as herself followed by at least 30 men who pushed forward without regard to the safety of each other She arrived safe at the bottom of the creek but while in the act of ascending the opposite bank her horse being unable to attain a sufficient foothold fell backward down the bank precipitating his rider full 30 ft Below in eminent danger of being trodden to death by the other horses. I ran forward expecting to behold both mother & child mangled & Bruised perhaps Dead, but what was my surprise to see her comrades laughing as though they were pleased beyond measure and offering them no assistance. I turned from them in disgust and was about leaving the scene of action When to my astonishment I Beheld both riders beside me with the same horse unhurt & participating in the general joy. I thought to myself that even these savages were protected by a special Providence and retired to my blankets fully impressed with the omnipresence of the Deity The women carry their small children cased up in a frame covered with skin in such a manner as to forbid them the use of their limbs. their position colour & whole appearance reminds me of the Egyptian mummies exhibited in the Museums of the East.

The natural feelings of man will not allow him to look upon this race of human beings without causing some emotions of pity for their ignorance and barbarous nature but if they were left alone no doubt they would be contented with their present situation— They have a fine country of almost boundless extent, but their habits are so indolent that rather than trouble themselves to provide for the future while amidst plenty they are sometimes compelled to kill the

very horses on which they ride for subsistence Their disposition when friendly appears mild & humane & there is little doubt if civilization could make its way among them they would be as intelligent and Christian like a nation as many of the civilized Powers.

They have a religion at least they worship a supreme power—their creed if we could ascertain what it is, is perhaps based on as substantial an origin as our own but even if they consider it a true mode of worshiping a Deity whether it be right or wrong they are uncensurable.

A nation susceptible of such feelings as I have know[n] them to possess cannot be destitute of the principle attributes of the human family. The land they live in is admirably [admirably] adapted to their mode of life, but could not possibly support a permanent settlement & although of a productive & fertile soil but would be of little value for agricultural purposes owing to the lack of many appendages such as timber water & building materials  
 July 18 We this day constructed a breast work of brush & trees and left those of our company unable to travel under the charge of the Surgeon D Findley and protection of a strong guard to await our return from the Village of the Pawnees for which we set forward on the following morning accompanied by an Indian Guide<sup>26</sup>

Our course lay directly across this chain of rocky mountains before spoken of which we found to be almost an impassable & in many places entirely forbid a passage we were obliged to dismount & lead our horses The whole appearance of the mountains was romantick in the extreme overhanging cliffs of stupendous size encircled us on every side.

<sup>26</sup> Lieutenant Wheelock's journal of July 19, 1834, records: "Marched at 8 o'clock for the Toyash villages; command reduced to 183 men; left sick in camp, covered by a breastwork of felled timber, seventy-five men; thirty nine of these sick; Lieutenant Moore left here sick; Surgeon Findlay for duty; Lieutenant Izard in command."

We were obliged to force our way through narrow defiles natural arches and almost subterraneous passages sometimes almost shut out from the light at others trembling over lofty peaks the view From the summit of which seems to encompass the limits of the earth From the loftiest of these peaks I took occasion to look back upon our small force who now extended themselves in all directions, with little regard to order, some worn with fatigue had halted to rest themselves & horses — Others wandered from the main column to seek some passage of easier access. Our horses were mostly without shoes and their hoofs were so completely worn down as to render it extremely painful for them to travel over thes[e] craggy rocks this tedious course continued nearly throughout the day till towards evening when we entered a large level Prairie situated almost as high as the surrounding mountains.

Here we found an excellent stream of water and encamped for the night.

Early the next morning we again moved forward but found a far better country for travelling over, we however crossed several rocky ridges over which we were obliged to lead our horses. These mountains are not found in one solid mass but are made up of separate fragments which seem to have been thrown promiscuously by some revolution of nature into high piles The country in the immediate vicinity of the mountains is excellent well watered and extremely romantic— rich prairies undulating in gentle slopes as far as the eye could reach occasionally changing the sameness of the scenery by a small grove of stunted timber growing in some ravine or dell which absorb the waters of the surrounding Prairie We are now within 20 miles of the Pawnee Village and in the midst of a singular settlement t'is a village of Prairie Dogs consisting of hundred holes in which they live. they are similar in form to a common



squirrel but considerable larger and embibing the species of a Dog in their cells also live the rattlesnake & the owl and strange to say they live in the most perfect harmony This Prairie is extremely level & scattered for miles in extent with small honey locust trees bearing very plentifully of honey bean which we found very acceptable as our provisions were entirely exhausted The same night we pitched our tents on a small fork of Red River the water of which we found extremely salt so much so we could not use it. We had scarcely unsaddled our horses when we espyed about 2 Miles distant from us leading pack horses pursuit was immediately made by Lt Northrop & one or two osages succeeded in bringing one of them to camp. gave him chase & soon overtook him the Indian seeing his pursuers close upon him stopped and made no resistance Lt. Nortrop drew his pistol and advanced cautiously towards him with it in his left hand at the same time extending the other in a friendly manner. The Indian was so agitated that he could scarcely support himself the Lt by various tokens of friendship succeeded in bringing him to himself & returned to camp with his prize At the time he was brought in he was still in such a state of trepidation as almost deprived him of speech. Our prisoner the Pawnee squaw<sup>27</sup> was brought before him and they received each other in a most affecting manner. We found him to be a Pawnee he said he had been carrying wood to the village which was about 5 miles distant from him We got considerable information. In the morning we released him & sent him to his friends, as soon as we could prepare ourselves we started for the Village but had scarce got in motion before we were met by almost 200 Indians. It was an interesting sight

<sup>27</sup> Two Indian girls, one a Pawnee of eighteen years and the other a Kiowa of fifteen years, had been taken with the regiment. The return of these hostages, it was believed, would facilitate friendly negotiations with their tribes.



as well as ridiculous, many of them were clothed in scarlett Broad Cloth coats made & trimmed in the most gaudy fashion but this was their only garment their other parts being entirely naked. Their faces & hands & bodies were painted and daubed with mud & clay in all variety of forms. Braided in their hair hung behind them a cue if it may be so called of Buffalo from 4 to 6 ft in length decorated with ornaments of solid silver of some considerable value — at the end of the Cues worn by the warriours was fastened a variety of scalps of different hues probably torn from the heads of their unfortunate victims We halted the column[s]. They arrayed themselves before us while on[e] who appeared to be chief rode backwards & forwards in front of the rest apparently giving orders in a most vociferous manner. Their numbers were momentarily increasing they far exceeded ours already — still could be seen galloping off from all quarters — hundreds of them as though every thing depended on their speed. Col. Dodge accompanied by the staff rode among them & shook hands with many of them who appeared perfectly satisfied with our friendship and immediately escorted us to their Village which was situated in a nook of the mountains bordering on red river or rather a fork of the same. It consists of a number of huts made in Pyramidical form of Grass & a variety of Wigwams formed by streaching skins over poles fastened in the ground Their situation is such as to forbid a surprise or sudden attack; two sides being completely walled by perpendicular rocks the river on one side and on the other opens a level Prarie of many miles in extent of which they command a full sight. On the Prarie are a vast number of cornfields enclosed by fences of brush and roots of trees which have been drifted down the river The Pawnees are a much finer race of men than the Camanches they do not live a life of entire indolence but raise corn

Pumpions & other vegetables sufficient to keep them through the winter for which the Camanches exchange dried Buffalo & Deer meats What could be more welcome to the eyes of half starved soldiers than the sight of cornfields in such an unlooked for spot. It was with the utmost difficulty the men could be constrained from committing depredations — but on our conduct here depended in a good measure our treatment from the Indians every man although not the least awed must have felt the uncertainty of our situation. A handful of soldiers amidst 2000 Savages in their own dominions The advantages were certainly theirs had we molested their property no doubt they would have attacked us but as it was we secured their friendship & confidence and were supplied though scantily with every thing they could offer which was freely exchanged for all kinds of ornaments Knives shirts handkerchiefs and in fact they bartered for the buttons of our coats. During our sojourn at their village although on the alert we were not idle in using means of reconciliation and thereby forming an amicable alliance. In the edge of a small grove of timber which seemed to intrude itself upon the rich carpet of unvaried green which was otherwise unobstructed for miles in extent we formed a bower of trees & brush for the purpose of holding a council but previous to this while engaged in council at the wigwams an accident took place which liked to have destroyed our hopes of a treaty and jeopardizing the lives of all engaged in the meeting, While through the help of a Cherokee Interpreter attempting to explain the many benefits arising to them from a friendly intercourse with the U. States A pistol in the hand of a friendly Indian (a Cherokee) was accidentally discharged, it was a sign for general confusion — the Indians as if yet suspicious of our intentions in a moment were prepared and eager for the fray [fray] The squaws by one concert

fled towards the mountains and clambered up in all directions, twas a moment that required the utmost calmness & intrepidity to avert the danger that threatened. The least shadow of fear on our side would but have added fuel to the fire already enkindled. Our party with one or two exceptions (officers whose names through pity I forebear to mention) maintained their seats with the utmost calmness & presence of mind. But it was with the greatest difficulty the savages could be pacified nor were they entirely satisfied of its being an accident untill the hand of the Cherokee who had caused the alarm was shown them bloody and considerably injured by the discharge. Order being somewhat restored although suspicion lurked in the minds of many the council adjourned & each returned to his camp & doubt and suspicion reigned in the bosom of all——

The succeeding day the council was again summoned, the chiefs of nations in their uncivilized state were assembled together and formed themselves around our commanding officer and once more attempted to devise means for their mutual benefit & safety. How different in form yet equal in substance to the different courts of civilized Powers. Heads of nations without pomp without ambition assembled to assert and claim the rights & dominions which their forefathers bequeathed to them.

No pompous Equipage — No glittering trains mark the distinction of Power. But wrapped securely within their blanketts they move fearlessly along & alone — natural dignity insures them respect. Thousands of beings look up to them to redress their wrongs and none dare oppose the mandates of their will. How absolute is their power independent of the world unswayed by Petty contests contented within the limits of their own sphere. Civilization itself would rather lessen their enjoyments than improve their condition. The consent of their chiefs was obtained to send



a deputation to our people & it was finally agreed that about 12 or 15 chiefs embracing some of each nation should accompany us. After coming to an understanding our first business was to restore our prisoners; among civilized people the meeting of long separated friends & more particularly when their situation has been critical & dangerous cannot but be affecting. But what different feelings must it cause to witness the restoration of nature's child to the arms of those who fostered it after an absence that forbade the slightest hope. Our prisoners<sup>28</sup> were returned to their friends with the mingled tears of heartfelt affection — & gratitude filled the eyes of the savages. Warriours whose very feelings of humanity had long since been buried in human gore were again roused to virtue and participate in the sacred acknowledgments of grateful hearts. But the sympathy of my readers must be called to the situation of those to whom by nature we seem more closely allied. In the foregoing part of my journal I mentioned the circumstance of a Pair of saddlebags being found belonging to Judge Martin who was killed by the Indians a short time before. It seems he was hunting for Buffalo & had with him a Negro man & a little boy his son 4 or 5 years of age.<sup>29</sup> The Father was killed, the Negro escaped & the boy taken prisoner — his clothes were stripped off from him & instead was tied a breach cloth according to their manner of clothing themselves.

Thus was he exposed naked to the rays of the Midsummer sun in a southern clime and obliged to take up with the

<sup>28</sup> These are the two girls referred to in note 27.

<sup>29</sup> "The little boy [Matthew Wright Martin] of whom I have spoken, was brought in, the whole distance to Fort Gibson, in the arms of the dragoons, who took turns in carrying him; and after the command arrived there, he was transmitted to the Red River, by an officer, who had the enviable satisfaction of delivering him into the arms of his disconsolate and half-distracted mother." — Catlin's *North American Indians*, Vol. II, p. 505.



wild fare of the Indians which from his own account was rather scanty. In exchange for our Prisoners we received him & also a Negro boy who had ran away from his master on the Arkansas & had wandered on the Prairies untill taken up by a hunting party of the Pawnees They found him of considerable service in learning them many of the customs of civilized life. They treated him in a friendly manner at least the best manner they could. He had his own horse & Indian equipments & was much better contented there than at home—he was loth to leave them & we were obliged to bring him home in the Capacity of a Prisoner I cannot but speak of the Indian markets—Every morning early as the day dawned hundred of Squaws might be seen ladened with corn Pumpions & water-mellons & Buffalo meat strolling through our camp more anxious to trade than our Yankee Pedlers—whatever ornaments or decorations we could offer whether Paints, Buttons, Ribbands or any thing else to make a show they quickly bartered. Horses of the finest form & appearance were willingly exchanged for a single blanket.

On the 25 July having accomplished the main object with all expedition we were ordered to caparison our horses & set forward the same morning on our return rout Our privations & hardships appeared now at an end.

The idea of home after so long an absence from the world at least the civilized world and holding no converse with civilized nations, seemed to resusitate our reawakened energies— On the 3 day after our leaving the Villages of the Indians we arrived at the camp at which we had left our sick Our journey outward owing to our Indian Guide taking us by a circuitous rout probably for the purpose of giving to the Camanchees time to communicate with the Pawnees before our arrival was long & tedious.

Having again consolidated our forces we are eagerly pur-

suing our way home in company with our Indian Ambassadors<sup>30</sup> who seem remarkably jovial & delighted with every thing they see Nightly they amuse us with their wild unintelligible & unaccountable songs which are far from being displeasing as they all join in seemingly endeavoring to exceed each other in noise, altogether creating a compound of the most unearthly discord

Among these Indians necessity can claim the origin of most inventions Whatever they become possessed of they convert into some use. The Buffalo answers diverse purposes — food & raiment They construct vessels for carrying water of their horns & even their hoofs they make into something useful— the meat of the Buffalo seems peculiarly adapted to their situation, it is of itself sufficiently salt & palatable & probably the most healthy of animal food. They divide the fat from the lean the latter they call meat the other bread

It was with the most heartfelt regret that I took my last look at the last herd of Buffalo we expected to see, & so it indeed proved for on the 5 of August as we were slowly winding our serpentine course along the margin of a deep ravine seeking for a suitable crossing place that we were called upon to look our last look upon about 500 of these welcome Prairie Companions— they were the first we had seen for several days, but being tolerably supplied with dried meat at the time and anxious to reach Fort Canadian in a day or two, we cast a few wishful glances towards them as they liesurly one by one receded from our sight over a Prairie Mound & pursued our course without disturbing them We were however mistaken in the distance to the Fort as we did not arrive there untill the 10 which unanticipated prolongation of our march necessarily required

<sup>30</sup> A deputation of Indians accompanied the Dragoons back to Fort Gibson to participate in a grand council at that place in September, 1834.

great economy in the distribution of our provisions. Often did I look back with sorrow at our having bid so peaceful an adieu to the last drove of Buffalo Having arrived at Fort Canadian we encamped & retired to rest with the substantial consolation of having once more swallowed a hearty supper. There were a few men (belonging to the Infantry) stationed at this place for the purpose of building a temporary out post but it has since been evacuated. We remained here 2 nights and having obtained a sufficient supply of Provisions to last us to Ft. Gibson (at half rations) we set forward & in 3 days we arrived at a Fort known as little Canadian where we found a white settler An excellent spring of Cool Water supplied the camp and the fires bore evident marks of a plentiful repast of Roasting ears. Our horses were well provided with green corn & blades & the poor jaded beasts seemed full as well contented as ourselves at the nights encampment We arrived at Camp Covington on the West Bank of the Arkansas on the 15 Aug't and were welcomed back by the severest hail storm I most ever experienced, for my own part I stripped my blanket from the sadd[le]b[a]g & wrapped myself up as well as possible I turned my back to the storm and consoled for my dranching with a fair prospect of a good supper & a comfortable nights lodging——<sup>31</sup>

<sup>31</sup> Here ended the expedition. "Perhaps their never has been in America a campaign that operated More Severely on Men & Horses", wrote Colonel Dodge on October 1, 1834, to George W. Jones. "The excessive Heat of the Sun exceeded any thing I ever experienced I marched from Fort Gibson with 500 Men and when I reached the Pawnee Pict Village I had not more than 190 Men fit for duty they were all left behind sick or were attending the Sick the Heat of the Weather operated Severely on the Dragoon Horses there was at Least 100 Horses that was Killed or Broke down by the excessive Heat of the Weather the Men were taken with fever and I was obliged to Carry Some of my Men in Litters for Several Hundred Miles".

[THE MARCH FROM FORT GIBSON TO FORT DES MOINES  
SEPTEMBER 3 TO SEPTEMBER 25, 1834]

On the 3 Sept we left our camp upon the Arkansas for Fort Des Moines<sup>32</sup> upper Mississippi. Crossed the Arkansas & Grand<sup>33</sup> rivers by a ford and marched 5 miles from the Fort & encamped on the last named river

[Thursday, September the Fourth]

4 This day we marched about 20 miles & encamped near a small creek, on the banks are many fields of corn. Many of the men left back sick. Capt Brown[e] is left Back sick

[Friday, September the Fifth]

5 This day we came to the Grand Saline<sup>34</sup> situated near grand river and encamped about 200 yards from the village— This except St Louis is the most business place I have seen in Missouri. Here is a salt spring which is well managed & within a few yards are two springs of fresh water This country is broken and well watered

[Saturday, September the Sixth]

6 Came 16 miles & encamped at an Osage Mission upon the waters of Grand river. The land we passed to day was barren except near the station Several Indian Families reside here & subsist principally on fish & the chase with a

<sup>32</sup> "Three companies under Lieut Col Kearney marched from this place for the Demoin on the Mississippi on the 3d of this Instant [September 1834] where they are to be wintered in the Sack country"'.—Dodge's *Military Order Book*, p. 90.

The force commanded by Lieutenant Colonel Kearney consisted of companies B, H, and I. The first two were under the command of Captain Sumner during the absence of Captain Boone of company H. Company I was under the command of Jesse B. Browne and the total number of non-commissioned officers, musicians, and privates aggregated 107.

<sup>33</sup> The Neosho River was also called the Grand River.

<sup>34</sup> Salina, a village of less than 300 population, is located in Mayes County, Oklahoma, on the Neosho River.



few vegetables they raise themselves in poorly cultivated fields or rather patches

[Sunday, September the Seventh]

7 Came 25 miles & encamped upon a small stream that enters Grand river a few miles East of Seneca Town. This country is mostly a Prairie of good quality. The Osage Indians as far as I have seen are a filthy race but naturally of a robust constitution. The Union Mission is 40 miles to the south West from here

[Monday, September the Eighth]

8 Made 18 miles

[Tuesday, September the Ninth]

9 Came 30 Miles. Encampment good.

[Wednesday, September the Tenth]

10 Marched about 19 miles and encamped in a pleasant & convenient place. Weather cool this season. remarkably dry. Some prospect of rain this evening —

[Thursday, September the Eleventh]

11 After a march of 20 miles we encamped on a small Prairie. We passed a variety of soil this day, some good Praries, some oak barrens & some good timber land. Corn for 1.00 per bushel

[Friday, September the Twelfth]

12 Made 25 miles. Encamped 1 Mile from water plenty of corn— The land this day was broken & most miserably Poor

[Saturday, September the Thirteenth]

13 Came 18 Miles. Country much the same as yesterday. Course N. by E— good weather for Marching Except dust.

[Sunday, September the Fourteenth]

14 Made 33 miles Good encampmen[t]. land poor &c.

[Monday, September the Fifteenth]

15 Marched 15 Miles Crossed the osage. Was much dis-

appointed in the size of the stream. Banks wide but the quantity of the water small.

[Tuesday, September the Sixteenth]

16 Much rain. Came only 8 miles. Country much the same as we have passed for several days. Settlement more common as we draw near the Missouri. Horses in this country fine — Crop of Indian corn good

[Wednesday, September the Seventeenth]

17 Continued rain — this morning, in the afternoon we marched 20 miles. Encampment good — Land getting better 35 miles from Boonsville <sup>35</sup>

[Thursday, September the Eighteenth]

18. 27 miles. The country is getting better as we draw near the river

[Friday, September the Nineteenth]

19 Crossed the Missouri at Boonsville Marched 10 miles on the west side of the Missouri. The land good & thickly settled

[Saturday, September the Twentieth]

20 Marched 30 miles Land good well timbered & thickly settled.

[Sunday, September the Twenty-First]

21— After a march of 20 miles we encamped in a bad situation, wood & water scarce. Land good & well settled.

[Monday, September the Twenty-Second]

22. Marched 20 miles

[Tuesday, September the Twenty-Third]

23. Marched 26 miles

[Wednesday, September the Twenty-Fourth]

24 Marched 22 miles. Land much the same as yesterday

<sup>35</sup> Boonsville, the county seat of Cooper County, Missouri.

[Thursday, September the Twenty-Fifth]

25 Arrived at Des Moines <sup>36</sup> having come 26 miles  
 As barrack life has a great sameness I shall bid adieu to  
 my journal untill something worthy of not[e] transpires.

L——

[THE MARCH FROM FORT DES MOINES TO WABASHAW'S VIL-  
 LAGE AND THE RETURN FROM JUNE 7 TO AUGUST 19, 1835]

[Wednesday, May the Twentieth]

1835 May 20 By order <sup>37</sup> this day we learn we are to start  
 upon our summers Campaign on the 7 of June next. There  
 has been much disagreeable wet weather this spring. last  
 winter was remarkably cold. The navigation of the Mis-  
 sissippi this high up is altogether by steamboats taking

<sup>36</sup> On the 26th of September, Lieutenant Colonel Kearney, writing from Camp Des Moines, reports his arrival which occurred the preceding evening: "The quarters for the officers and soldiers," he complains, "are not as far advanced as I had expected and not a log is yet laid for stables for our horses. We shall on the 28th go to work with all our disposable force, and I hope by the close of next month we may complete the buildings, tho' they will be less comfortable and of meaner appearance, than those occupied by any other portion of the Army." He is yet uncertain as to the purposes for which he has been sent to this most isolated spot. "I should like to know," he adds, "if it is contemplated that we are to occupy this post, after the ensuing winter, and I wish to know whether I am authorized to keep away settlers from here, and how far I may proceed in doing so; also what is required of this command while stationed here".—Reprinted from an historical sketch of Fort Des Moines prepared by the War Department and printed in the *Annals of Iowa*, Third Series, Vol. III, pp. 351-363.

<sup>37</sup> The following order from the Adjutant General under date of March 9, 1835, is printed in the *Annals of Iowa*, Third Series, Vol. III, p. 355: "The three companies under the command of Lieut. Colonel Kearney will proceed up the River Des Moines to the Raccoon Fork, there halt and reconnoitre the position with a view to the selection of a site for the establishment of a military post in that vicinity; on which subject Lieut. Colonel Kearney will proceed with his command to the Sioux Villages near the highlands on the Mississippi about the 44° of North Latitude, thence taking a direction to the westward return to his original position at the mouth of the Des Moines passing by the right bank of said river."

goods & passengers to Galena & bringing down lead & produce. There are but few settlers on this side the river but the Illinois side is fast settling and increasing in wealth & population. We are situated on a track of country granted to the half breeds and under the government of the state [Territory] of Michigan

[Sunday, June the Seventh]

June 7. This day we left Fort Des Moines. Marched only 7 miles we have had so much rain this spring that the travelling is very bad Companies B. H. & I are in company & expect to remain together untill fall

[Monday, June the Eighth]

8 Marched 10 miles over a handsome Prairie. Better travelling than yesterday No settlements. Our Course about west bearing a little to the north

[Tuesday, June the Ninth]

9 Marched only 6 miles. Encamped on a branch of Sugar Creek — <sup>38</sup> Land better & more dry the fa[r]ther we advance into the interior As yet we see no game

[Wednesday, June the Tenth]

10 Made 16 miles Handsome Praries. Level land & better than yesterday. Health of the command remarkably good

[Thursday, June the Eleventh]

11 Came 15 miles. Encamped in a good situation. Heavy rain this evening — much thunder & lightning. Foley <sup>39</sup> of our Co. is sick. Most of the men in good health & spirits. Sergt Martin of B and a man of H company lost their horses this morning. Lt Lea <sup>40</sup> commands our company &

<sup>38</sup> The encampment of this date was either in Cedar or Harrison township in Lee County.

<sup>39</sup> Jas. A. Foley.

<sup>40</sup> Albert Miller Lea was born in east Tennessee in 1807 and was educated as a civil engineer at West Point where he graduated in 1831. He was assigned to the artillery service but in 1834 was transferred to Company I of



Capt Brown[e] left Back sick all the other Officers the same as last year —

[Friday, June the Twelfth]

12 This day we remained in camp<sup>41</sup> till 3 P. M. on account of the rain we marched 6 miles & encamped in the mud all things badly situated. This night we had a hard storm of wind rain & hail.

[Saturday, June the Thirteenth]

13 The rain continued untill 10 oclock when the weather cleared up & we moved out of the mud to a better situation  $\frac{1}{2}$  mile distant where we shall continue untill tomorrow perhaps longer

[Sunday, June the Fourteenth]

14 Remained encamped untill noon than marched 4 miles to a better situation wood water & grazing plenty. We left Keokirks town<sup>42</sup> a few miles to the left  
6 or 7 Indians are to go on with us. Frances Labashir [Frank Labashure]<sup>43</sup> is to be our interpreter

[Monday, June the Fifteenth]

15 Marched 16 miles over a marshy Prairie encamped on a dry piece of land but at night had a hard storm of rain & wind accompanied with much thunder & lightning. We left

the First United States Dragoons. His place in Iowa history is due to his authorship of *Notes on Wisconsin Territory* mentioned in note 2. He served in various official capacities, espoused the Confederate cause during the Civil War and died in Texas at the age of eighty-four.

<sup>41</sup> The encampment for this day and the next was a few miles west of the present city of Fairfield in Jefferson County.

<sup>42</sup> Near present town of Agency in Wapello County.

<sup>43</sup> "One of the most fascinating men about the camp [of the Dragoons] was the half-breed interpreter Frank Labashure (his mother being a French woman), an able and brilliant man. He had been educated by the Catholics at St. Louis and was with the regiment three years. He furnished a constant entertainment for the soldiers, but was addicted to the use of whiskey. He died in the early forties, and lies in the burying ground at Keokuk."—Whitcomb's article on *Reminiscences of Gen. James C. Parrott*, in the *Annals of Iowa*, Third Series, Vol. III, pp. 364-383.

opponuse or Iway town <sup>44</sup> 6 miles to our left Col Kearney is very mild & the command in good health & spirits. So much rain renders marching unpleasant we have to encamp each night in mud & water but still I am better contented than when in quarters

[Tuesday, June the Sixteenth]

16 Came 20 miles Encampment good. The Prairies on this section are covered with strawberries

[Wednesday, June the Seventeenth]

17 Marched 20 miles & encamped in a good situation. Our course is north of west. This evening our waggoner is sick

[Thursday, June the Eighteenth]

18 Made 20 miles, Encampment good, Handsome Prairie of a good quality

[Friday, June the Nineteenth]

19 Made 25 miles Encamped at Camp Gaston <sup>45</sup> Plenty of Game

[Saturday, June the Twentieth]

20 This day we marched 25 miles over a dry prairie. Encampment good. Our Indians kill much game mostly Deer

[Sunday, June the Twenty-First]

21 21 Miles Handsome rolling Prairies. Encampment good — The weather cold even for this season in a northern latitude we expect to reach the Rackoon fork to-morrow

[Monday, June the Twenty-Second]

22 Came only 12 miles.<sup>46</sup> It is supposed we have passed

<sup>44</sup> The present site of South Ottumwa in Wapello County.

<sup>45</sup> Named after Chas. W. Gaston, already mentioned in the introduction. This day's encampment would seem to be located about six miles southwest of the city of Colfax in Jasper County.

<sup>46</sup> Encampment about two miles northeast of the mouth of the Boone River, in Webster Township in Hamilton County.

the forks & came 40 or 50 miles out of the direction. What course the Col will persue is uncertain

[Tuesday, June the Twenty-Third]

23 Marched only 12 miles. Bad encampment. The water in some places was 4 or 5 feet deep through which we had to draw the waggon of the command & lead our horses, we left the course of the Des Moines this morning & shall strike a due course for Wabashaw Village. Last night was issued our last pork so that we must depend upon the chase & Beef for a supply (of which there is plenty) Our salt and sugar are nearly exhausted but as yet we have plenty of flour

[Wednesday, June the Twenty-Fourth]

24 Marched 25 miles & encamped on the banks of the Iway<sup>47</sup> a small stream 30 yards broad. This day for the first this season we saw Buffalo. Killed 5 or 6 — many of our men are recruits from the north & never saw a Buffalo before & therefore to them a Buffalo chase was something remarkable. This day was spent in eating Buffalo beef & sleep.

[Thursday, June the Twenty-Fifth]

25 After crossing the river in which 3 hours were spent we marched 20 miles over an almost boundless Prairie. Passed a soux Fort in the Prairie some 20 or 30 holes large enough to contain 5 or 6 men were dug in a circular form upon a small eminence & nothing like barricading except the dirt dug from the holes. This evening killed an elk.

[Friday, June the Twenty-Sixth]

26 Marched 20 miles. Crossed 2 branches of the Iway with some difficulty. Handsome rolling Prarie. Good encampment.<sup>48</sup> Remarkably cold with some frost

<sup>47</sup> Representations and figures on Lieutenant Albert Miller Lea's map would rather indicate this stream to have been the West Fork of the Cedar River.

<sup>48</sup> Evidently on Lime Creek in Portland Township in Cerro Gordo County.

[Saturday, June the Twenty-Seventh]

27 Made 20 miles passed 2 streams<sup>49</sup> supposed to be branches of the Iway. Good crossing — thought to be 30 yds broad

[Sunday, June the Twenty-Eighth]

28 Marched 15 miles. Encamped on Cedar river.<sup>50</sup> Killed several Buffalo. Miller<sup>51</sup> caught a calf. The weather still continues very cold.

[Monday, June the Twenty-Ninth]

29 Crossed Cedar river & marched 25 miles

[Tuesday, June the Thirtieth]

30 Marched 25 miles — <sup>52</sup> Land a kind of oak barren. By the appearance of some deserted wigwams we suppose the soux have been here lately.

[Wednesday, July the First]

July 1 Marched only 12 miles. Country hilly. Plenty of wood & water Good encampment. This country is romantic and abounds with many picturesque appearances such as high hills & deep Vallies with here and there a fine cascade caused by the water of the Prairie tumbling into the creeks below —

[Thursday, July the Second]

2 Made 20 miles. Broken land. Encampment good

[Friday, July the Third]

3 This day we marched only 10 miles. Land remarkably broken. I have heard much of the romantic & rude prospects but this country surpasses any thing I ever saw & imagination had not wrought up my fancy to behold so

<sup>49</sup> Flood Creek emptying into Shell Rock River and Rock Creek emptying into Red Cedar River.

<sup>50</sup> On the Red Cedar River near Osage in Mitchell County. This river is called the Iowa River on Lieutenant Lea's map.

<sup>51</sup> O. H. P. Miller.

<sup>52</sup> This day's march takes the Dragoons well into Mower County in Minnesota.



grand a spectacle in the far famed Alpes. We travelled miles in a deep vale barely sufficient for a road & on each side arose a bed of rocks nigh 1000 feet high forming a most awful appearance showing the work of an Almighty hand in a remarkable manner Encamped on Snag river <sup>53</sup> a fine stream with a gravel Bottom. We passed root river yesterday which to appearance is much the same as Snag river

[Saturday, July the Fourth]

4 This day we came only 10 miles Encamped near the Mississippi in a good situation.<sup>54</sup> Saw a number of wigwams lately deserted — some fields or rather Patches of Corn Pumpions & beans but all had the appearance of having been desolate 2 or 3 weeks. There are many fine springs gushing from the hills in all directions

[Sunday, July the Fifth]

5 Remained encamped. I ascended one of the highest peaks, more than 1000 ft above the bed of the stream below. Far in the Horizon I could discern the broad waters of the Mississippi & Lake pepin <sup>55</sup> spotted with here and there an Indian Canoe which from the eminence appeared like dots upon a mirror. Oar by appearance is plenty particularly Iorn & ocher

[Monday, July the Sixth]

6 Moved only 1½ mile for change of pasture

[Tuesday, July the Seventh]

7 After a hard march we made only 11 miles crossing

<sup>53</sup> Snag River is evidently the South Fork of the Root River, while "root river" seems to be the North Fork of the Root River.

<sup>54</sup> On this day and the two following the encampments were in Wabasha County, Minnesota, on one of the branches of the Zumbro River which flows eastwardly into the Mississippi.

<sup>55</sup> Lake Pepin lies between Pepin County, Wisconsin, and the counties of Wabasha and Goodhue in Minnesota.

deep vallies & high hills. We encamped near a mile from water upon the summit of a hill

[Wednesday, July the Eighth]

8 Marched 20 miles. Encampment good on a small prairie a small piece of handsome woodland in our rear and near to Wabashaws Village <sup>56</sup>

[Thursday, July the Ninth]

9 Remained encamped. The waggon was busy in drawing rations from the river to our encampment about one mile. We shall remain here several days. About 30 Soix were in camp to day.

[Friday, July the Tenth]

10 Remained in camp. Some suttlers goods sold by Sergt Parrott <sup>57</sup>

[Saturday, July the Eleventh]

11 Still encamped at the same place

[Sunday, July the Twelfth]

12 Removed  $\frac{1}{2}$  mile for change of pasture

[Monday, July the Thirteenth]

13 Remained encamped. Some horses of Co. B & H strayed and took the back track & were not found this evening. A command sent in pursuit. Lt Turner <sup>58</sup> in charge of the party.

[Tuesday, July the Fourteenth]

14 Remained encamped. One of H & 1 of Co. B horses brought back this evening. We have seen but few of the soux & those we have seen give us a poor idea of this tribe.

<sup>56</sup> Wah-ba-shaw was the first chief of the Sioux, a prominent branch of the Dakota group of Indians. He had been created or recognized as a chief by the British on a visit. His village was located on the Mississippi somewhere in the neighborhood of the present city of Winona, Minnesota.

<sup>57</sup> See foot-note 10.

<sup>58</sup> Henry S. Turner.

They are mostly a dirty thievng race living in the most abominable filthy manner. The Sacks on the contrary are cleanly & decent in their appearance. Were making some preparations for our homeward march. No signs of oar except Iron & Ocher The country is broken & mountainous except a narrow strip of level land upon the Mississippi. In all the vallies are fine streams of cold water filled with fish of all kinds but the most numerous are the spotted brook trout. Trade is poor with these Indians on account of their poverty

[Wednesday, July the Fifteenth]

15 Removed  $\frac{1}{2}$  mile for change of pasture

[Thursday, July the Sixteenth]

16 Remained encamped

[Friday, July the Seventeenth]

17 Removed  $\frac{1}{2}$  mile and encamped upon the banks of the Mississippi by an excellent spring

[Saturday, July the Eighteenth]

18 Many soux in camp. Expect to hold a treaty with them to-morrow. Steam Boat warriour<sup>59</sup> expected this evening from St Peters

[Sunday, July the Nineteenth]

19 This day Wabashaw with some of his chief men came to camp & held a treaty with Col Kearney. The steam boat came down this morning stopped 1 hour took on board some sick men of the command among the number Lt Shaumburg<sup>60</sup> & servant

<sup>59</sup> The "Warrior" was a steamboat built for the upper river trade in 1832 and commanded by Captain James Throckmorton. It had taken part in the battle of Bad Axe in which Black Hawk had been disastrously defeated by Colonel Dodge.

<sup>60</sup> J. W. Shamburg, commissioned as second lieutenant in the First Regiment of United States Dragoons on September 19, 1833.

[Monday, July the Twentieth]

20 Removed  $\frac{1}{2}$  mile

[Tuesday, July the Twenty-First]

21 Commenced our homeward march — made 25 miles

[Wednesday, July the Twenty-Second]

22 Marched 15 miles. Encampment good at a large spring on a handsome Prairie

[Thursday, July the Twenty-Third]

23 Made 20 miles. Encamped on the banks of a small river. Good water grazing &c

[Friday, July the Twenty-Fourth]

24 Marched 15 miles. Encampment good. Pleasant weather for travelling.

[Saturday, July the Twenty-Fifth]

25 Came only 6 miles. Encampment good —

[Sunday, July the Twenty-Sixth]

26 Made 25 Miles. hard marching over beaver land, from information I state Beaver lands are Praries which shakes for miles around & appear to be but a sward upon the top of water & if the sward once breaks a mire is the necessary consequence

[Monday, July the Twenty-Seventh]

27 An early start came only 10 miles. Crossed the Iway.<sup>61</sup> Spent 7 hours in crossing. Bad travelling & bad encampment.

[Tuesday, July the Twenty-Eighth]

28 This day we marched 15 Miles. Crossed the south fork of the Iway<sup>62</sup> spent 3 hours in passing. Marching bad encampment good

<sup>61</sup> Evidently the Upper Iowa River.

<sup>62</sup> Now the Red Cedar River. The place of crossing must have been near the present city of Austin in Mower County, Minnesota.



[Wednesday, July the Twenty-Ninth]

29 This morning <sup>63</sup> to all appearance we should have a good days march but had made but 5 or 6 miles when we perceived before us a lake stretching as far as the eye could reach from N. to S. & from  $\frac{1}{2}$  to 3 miles in width We bore to the north to try to get around it. But at this time 12 M. We have come to an outlet. on one side & on the other a marsh which is impassable. What course we shall now take is uncertain. The officers are now assembled to concert measures to get out of this difficulty In the meantime the men are taking their rest in the shade their horses grazing beside them. No name is mentioned by Geographers for this lake. The land about here is good. Grass & herbage of all kinds in the highest natural state. Grass 8 ft high. One of our Indians killed a grey Eagle on the lake shore. Signs of Beaver Muskrat and otter. In the afternoon passed the outlet marched 7 miles. Saw several handsome lakes & some of the most beautiful small Prairies I have seen since I have been in the West. I have seen some romantick and handsome landscapes but this far surpasses any country I have ever seen both for beauty & fertillity

[Thursday, July the Thirtieth]

30 Marched only 10 miles. Came to a party of soux Indians. Found we had made a mistake in marching and gone up to the waters of St. Peters river.<sup>64</sup> We are no nearer home than we were at wabashaws Village 10 day ago I understand we shall now take a south course instead of Due west which has been our course

<sup>63</sup> This day's march led through the lake region in Freeborn County, Minnesota. Lake Albert Lea and the city of Albert Lea in this county get their names from the Dragoons' march through this region.

<sup>64</sup> This day's camp was in Fairbault County, Minnesota, and evidently upon one of the forks of the Blue Earth River.

[Friday, July the Thirty-First]

31. Marched 35 miles. Encamped <sup>65</sup> in the open Prairies without wood and bad Water & consequently without eating. We are wandering about like half starved wolves & no person appears to know in what direction we ought to steer. Much murmuring by the men. Very cold for the season.

[Saturday, August the First]

Aug 1 Made 20 miles. Encampment good.

[Sunday, August the Second]

2 Crossed the North Fork of the Des Moines. Marched 30 miles Good encampment. Spent about 6 hours in Crossing. Passed by means of rafts made by the men. We are now encamped on the main Branch of the Des Moines

[Monday, August the Third]

3 Made 25 miles. Crossed the Des Moines by a Ford. Encampment good <sup>66</sup>

[Tuesday, August the Fourth]

4 Marched 20 miles. Encamped on a branch of Des Moines <sup>67</sup>

[Wednesday, August the Fifth]

5 After a hard march of 35 miles we encamped near the Des Moines in a good situation

[Thursday, August the Sixth]

6 Marched 25 miles. Encampment good much game—killed by our men and Indians <sup>68</sup>

[Friday, August the Seventh]

7 Came 20 Encampmen[t] good

<sup>65</sup> On this day and the next two the Dragoons march through Kossuth County and probably through the corners of Palo Alto and Pocahontas counties.

<sup>66</sup> Evidently near the village of Rutland in Humboldt County.

<sup>67</sup> On the North Lizard Creek in Webster County.

<sup>68</sup> On Bluff Creek in Boone County.

[Saturday, August the Eighth]

8 Marched 20 miles & encamped at the Forks of the Raccoon <sup>69</sup>

[Sunday, August the Ninth]

9 This morning <sup>70</sup> Col. Kearney went to examine the forks for a site suitable for building a Fort. What his opinion will be is not known. We shall start for Fort Des Moines as soon as possible as our rations are getting scarce — we have had no sugar or coffee and but about  $\frac{1}{2}$  rations of flour & meat

[Monday, August the Tenth]

10 Crossed the raccoon & after a hard march of only 15 miles, crossing many streams by difficult fords, we encamped in a good situation.<sup>71</sup> Our last pork was issued this evening

[Tuesday, August the Eleventh]

11 Made 15 miles. Land very broken some small bottoms of very good land but in general of an inferior quality <sup>72</sup>

<sup>69</sup> In what is now the southern part of West Des Moines.

<sup>70</sup> "The next morning, a bright Sunday, I got orders to reconnoitre the Des Moines river, by descending it in a canoe, to ascertain the practicability of navigation with keel boats, with a view to the establishment of a military post. A goodly cottonwood was selected, my men set to work with a will, and at sunrise Tuesday I bade adieu to the camp and aided by a soldier and an Indian, started on my toilsome task, sounding all shoals, taking courses with a pocket compass, estimating distances from bend to bend by the time and rate of motion, sketching every notable thing, occasionally landing to examine the geology of the rocks, and sleeping in the sand despite the gnats and mosquitoes. We made the trip without an accident, and leaving our canoe with Capt. White at the trading house, we footed it to the fort, where we arrived many days before the main body, who returned leisurely by land, and arrived in fine order, without the loss of a man, a horse, a tool, or a beef, which were fatter than at the starting, after a march of eleven hundred miles."<sup>71</sup>  
—Quoted from Lieutenant Albert Miller Lea's article on *Early Explorations in Iowa* in the *Iowa Historical Record*, Vol. VI, No. 4, pp. 535-553.

<sup>71</sup> On the Otter River or Creek in Warren County.

<sup>72</sup> The encampment was on the White Breast Creek in the County of Marion.

[Wednesday, August the Twelfth]

12 Marched 16 miles. The land continues broken water good

[Thursday, August the Thirteenth]

13 Made 20 miles land improving in quality

[Friday, August the Fourteenth]

14 Marched 20 miles Encampment good.<sup>73</sup>

[Saturday, August the Fifteenth]

15 This day we came 20 miles passed Opponuse<sup>74</sup> or Iway town This Village is situated on the right bank of the Des Moines on a handsome Prairie & for an Indian town is very handsome & appears to be increasing in wealth and population. After marching a few miles byound the village we encamped in a small bottom. Good land wood & water plenty

[Sunday, August the Sixteenth]

16 Crossed the Des Moines & encamped near Keokirks Village<sup>75</sup> I have been much pleased with the neatness & apparent comfort of these Indians & the more I become acquainted with their mode of life the better the opinion I form of them They are the most decent in their manner of living of any Indians I have seen. As it respects the land in this country I will state it is as far as I have seen of the very first quality & I understand the same kind of land continues to the mouth of the Des Moines. The land

<sup>73</sup> About eight miles west of present city of Ottumwa in Wapello County.

<sup>74</sup> Appanoose, the Sac chief, was a man of sedate and quiet disposition and much beloved by his people. After the removal of the Sacs and Foxes from Iowa River to the Des Moines he established his village near the site of the present city of Ottumwa, where his people cultivated a portion of the ground now within the limits of that city. The grounds occupied by the round-house and other buildings of the Chicago, Burlington and Quincy Railroad were once a part of the corn-fields of Appanoose and his people.—Fulton's *The Red Men of Iowa*, p. 257.

<sup>75</sup> Situated near the present town of Agency. Lea's map designates the number in Keokuk's village as 450.



is fast settling by emigrants from all the states & Europe. Stone coal is plenty in all the bluffs of the Des Moines & probably in all the high land in the neighbourhood

[Monday, August the Seventeenth]

17 Marched 16 miles <sup>76</sup>

[Tuesday, August the Eighteenth]

18 Made 15 miles

[Wednesday, August the Nineteenth]

19 Came 20 miles to the Fort. Arrived there about 2 P. M. having been absent almost 3 months. Sickness and all Disease has been a stranger to the camp & all have enjoyed good spirits except that stupidity caused by the want of food & upon the whole I can say we have had a pleasant Campaign

L——

<sup>76</sup> The return trail of the Dragoons as shown on Lieutenant Lea's map stops with this date when they crossed their outward trail.

## AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED IN THE STATE LEGISLATURE OF IOWA 1846-1909

A very elaborate and extensive monograph has been devoted to the enumeration and discussion of proposed amendments to the Federal Constitution. Its scope, however, is limited to propositions which were brought to the official notice of Congress either by its members, the State legislatures, or the Presidents, from the time of the adoption of the Constitution by the conventions in the different States to the end of the Fiftieth Congress, March 4, 1889. During this period upward of 1300 distinct resolutions, containing over 1800 proposed amendments, were offered in Congress. While it is true that these propositions had some influence in effecting actual changes within the Constitution, their real significance lies in the fact that "they are indices of the movements to effect a change, and to a large degree show the waves of popular feeling and reflect the political theories of the time." Furthermore, there can be little doubt that a study of the efforts to amend the Constitution of the United States will contribute to a fuller and clearer understanding of our State and National history, both constitutional and political.<sup>1</sup>

Whether these congressional proposals were offered by Senators and Representatives on their own initiative, or whether they were merely introduced in response to the instructions and requests of State legislatures are questions which may possibly be determined by an investigation and

<sup>1</sup> *Annual Report of the American Historical Association*, 1896, Vol. II, p. 25. This volume contains a prize essay prepared by Professor Herman V. Ames.

comparison of congressional records and State legislative documents. The members of State legislatures have by no means been deterred from proposing constitutional reforms of national concern. To show what activity has been exerted in this direction in a single State is the purpose of this paper. It will be necessary, therefore, to recount the resolutions and memorials introduced by members of the various General Assemblies of Iowa. Resolutions are treated in the following order: first, those concerned with the last three amendments to the United States Constitution; secondly, those on miscellaneous subjects; thirdly and fourthly, those dealing with the election of President and Senators.

#### THIRTEENTH, FOURTEENTH, AND FIFTEENTH AMENDMENTS

Since the admission of Iowa into the Union in 1846 only the last three of the fifteen amendments to the Constitution of the United States have been adopted. In 1864, contemporaneous with the consideration of the proposed thirteenth amendment by Congress occurred its discussion in the House of Representatives of the State of Iowa. In a lengthy preamble it was declared that "there is no attribute of Almighty God that can take part with American Slavery," an institution which "has alienated the affections of the American people from each other, precipitated upon the nation all the calamities of civil war, and has sought to prostrate forever the grandest and most sublime effort made by man for his own government and political happiness." The remainder of this remarkable preamble reads: "The foes of our national existence at home and abroad, in the South and in the northern sections of our beloved country, are clutching at the throat of our national existence, impelled thereto, and instigated to the awful crime, by the interests and influence of the institutions of Slavery."

In language peculiar to resolutions of the General Assembly, the Representatives in Congress from Iowa were "requested" and the Senators were "instructed to use every influence in their power to abolish slavery within the entire jurisdiction of the United States." Mr. McNutt moved its adoption. Mr. Stiles unsuccessfully moved that the resolution be referred to the standing committee on Federal Relations. Mr. Davis failed to obtain consent to his motion that the resolution be made a special order for Tuesday evening next at 7:30 o'clock in Committee of the Whole; and Mr. Knox's motion to table the whole matter was lost by a vote of 19 to 67. Mr. Oliver then offered, as an addition to the resolution, that "the President of the United States be, and is hereby memorialized to use the power vested in him as Commander-in-chief of the army and navy of the United States, in every legitimate manner, for the same purpose." Upon meeting pursuant to adjournment at 2 o'clock, on motion of Mr. Finkbine the House resolved itself into committee of the whole. The committee rose, reported progress, and asked leave to sit again at 7 o'clock, which was granted. At the conclusion of the evening session it was agreed to postpone the matter until the following Tuesday. Once more the Committee of the Whole rose and reported progress, which proved to be the final consideration of this resolution.<sup>2</sup>

Within a few days, however, there was introduced into the State Senate a resolution favoring an alteration of the Constitution which should confer on Congress the power to abolish and prohibit slavery in the United States. Slavery was denounced as incompatible with a republican form of government, endangering its peace and prosperity and retarding the nation's progress. It was resolved, therefore, that members of Congress from Iowa should "use their

<sup>2</sup> *House Journal*, 1864, pp. 307-309, 310, 346.



utmost endeavors to procure the adoption by Congress of the initiatory measures whereby the Constitution of the United States might be so amended as to forever prohibit slavery in the United States or any portion of the same, and so as to authorize Congress, by appropriate legislation, to carry into effect the provisions of such amendments.”

This memorial or resolution underwent two readings and after the failure of a motion to lay it on the table was referred to the Committee on Federal Relations which reported a substitute resolution for adoption. Subsequently the Senate accepted the measure by a vote of 34 to 4, and the House of Representatives concurred by a vote of 63 to 6, though twenty-two members were absent or not voting.<sup>3</sup> Congress did not propose the thirteenth amendment until February 1, 1865. When in December, 1865, the United States Secretary of State declared the amendment duly ratified by three-fourths of the State legislatures, the General Assembly of the State of Iowa had not yet taken definite action. Not until January 24, 1866, did the resolution of ratification receive Governor Stone's signature of approval.<sup>4</sup>

In regard to the fourteenth and the fifteenth amendments it is necessary to state not only that both were ratified by the legislature of Iowa, but also that prior to ratification abortive attempts had been made to bring certain of their provisions to an issue. In the State Senate in 1866 a resolution was offered urging members of Congress from Iowa to support an amendment to make suffrage uniform, “basing it upon loyalty and intelligence alone.” It provided besides that representation in the lower house should be based

<sup>3</sup> *Senate Journal*, 1864, pp. 352, 527, 570, 580; and *House Journal*, 1864, p. 649.

<sup>4</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 284. For the dates of the ratification of amendments, see *Iowa Official Register* under Constitution of the United States.

upon the number of persons entitled to the right of suffrage. The matter was referred after two readings to the Committee on Federal Relations which never expressed an opinion one way or the other.<sup>5</sup>

In the lower house a resolution of similar purpose came up two days later. Just at that time measures were pending in Congress whereby the Constitution should be so altered as to place representation upon a broader basis. No State should be represented for any persons within its borders who by the Constitution or laws of the State were excluded from the elective franchise on account of race or color. This resolution was referred to the Committee on Federal Relations which submitted a majority report in favor of its passage and a very lengthy minority report. This report, presented by Mr. Wilson of Dubuque County, is of more than ordinary interest and deserves special attention. It reads as follows:

The undersigned a minority of the Committee on Federal Relations to whom was referred a preamble and resolution proposing initiatory measures for a change of the Constitution of the United States as to the basis of representation, begs leave to make the following report, viz.:

The preamble and resolutions, as understood by the undersigned, propose to change Section 1, Article 2, of the Constitution of the United States, as to free persons, and base representation upon voters instead of free persons. Negro women and children, under the basis recommended would not be counted, because they would be excluded by color as well as by sex and age, and therefore the basis would be upon the elective franchise. This construction is the one which the undersigned prefers to place upon the resolution, because it contains the doctrine of the dominant political party of the country and the policy recommended by the Executive of the State in his inaugural address to the legislature.

The other construction, viz.:

That none were to be excluded from representation except male

<sup>5</sup> *Senate Journal*, 1866, p. 61.

blacks, excluded from the right of suffrage by reason of race or color, is a proposition which is so unreasonable and unjust in excluding negro men, and including negro women and children; one which would make so slight and inconsiderable a change in the representation of the South; one favorably entertained by so few, and so unlikely to be adopted that it need not be considered.

The object in this change to a basis of voters, is to enforce the extension of the right of suffrage to the black race, under penalty of partial disfranchisement of the whites by a reduction of their representation. In some of the States this extension would involve a surrender of all political power to the negroes; it would make negro colonies of those States, driving out the white population, ruining and causing to be unproductive a large portion of country, without whose products the whole civilized world would suffer.

To this proposed change there are several objections, and the subject is worthy of the calm, serious and unprejudiced consideration of this House. Some of these objections, in the opinion of the undersigned, are as follows:

The change cannot be made to operate uniformly, for some States cannot adopt it without a surrender of all political power to the blacks, while in others, by reason of the sparseness of this class, its adoption would affect no change either in the depository of power or in representation.

No basis of representation is so stable, so certain, and so little liable to fluctuation, as that of free population. If you make property the basis, a door is opened to abuse by doubling the assessment; if you make localities, such as cities or counties as the ancient burroughs in England were made, it will become unequal and unjust by reason of increase or decrease of population; if voting population be the basis, one State may increase it solely by extending the right to women and children, or by allowing foreigners to vote after they have resided in the country one year, as Wisconsin has done, while the State of Iowa requires a residence of five, and Massachusetts a residence of twenty-one years.

If the white population of some of the States should, in self-defence, adopt the alternative of reduction of their representation, then the colored population would present the condition of taxation without representation; and by this the professed friends of this people compel the white population to deprive them not only of the right of suffrage, but of representation.



There is a distinction between these two rights, and the *latter* is not necessarily involved in the *former*. That of representation is the right of being counted in the taking of the census; of being included among those who make up a constituency represented in the State and National councils; and in this regard the blacks stand upon an equality with our women and children. It is a valuable right. Yet, by this proposed amendment, its friends, who claim to be only friends of the negro, offer to lay this right at the feet of the Southern white man, and bargain it away if he will consent to a reduction of the present basis. The present rule, founded upon free population, is more permanent, because all persons are now counted; whereas, by an adoption of the proposed basis the rule is liable to continual change. One State, desiring to increase its representation, may authorize women and minors to vote, while other States opposed to such a principle, although having the same population both in numbers and class, would have a smaller representation, and thus an inducement is held out to an unwise and unprecedented extension of the right of suffrage. And further, might not a State during the year when the census of the United States is, under the constitution, required to be taken, authorize women and minors, unnaturalized foreigners and Indians, to vote at State elections for the purpose of increasing its representation, and as soon as the apportionment should be made repeal this authority. But this fraudulent increase of representation could not be corrected for ten years, and not then, if there should be another extension for one election of right of suffrage as before.

The universal extension to the negro of the right of political equality is the first great stepping stone to social equality — a condition fatal to both races. There should be, in the present situation of the liberated black, and in the new relation which he bears to us socially and politically, enough for present experiment, and the largest philanthropy. Yea, there is in it enough of danger to awaken our interest and excite the utmost vigilance. Prudence would dictate that we should leave further experiments to the future, when his capabilities will be tested and when duty will be rendered easy by the faithful teachings of past experience.

There is nothing in the idea of an increased Southern representation to cause apprehension. The increase of representation by the present rule cannot occur until after the year 1870. According to



the census of 1860 the increase would be less than one to each of the rebel States, but since the taking of that census they have lost by the war over 300,000 of their white, and more than 100,000 of their black population; therefore, when the new apportionment under the next census shall be made, our representation in Congress will comparatively increase, while theirs will decrease, for the reason that during the rebellion our population constantly increased, and was greater at the close of the war than it was at the beginning; while theirs received no addition to make up any part of their great losses.

No civilized nation where the common or civil law prevailed ever adopted any other rule than ours, as a general basis. The State of Iowa and all the other States, have adopted this rule in their several State Constitutions. This State has persistently refused to extend the right of suffrage to blacks and so have all the States of the Union, with but two or three exceptions, and it would seem to be a departure from "the golden rule," and look like revenge or oppression to adopt it now, and attempt to force it upon others, when its adoption, while leaving us unharmed, would be destructive to others.

It is time enough for this House to initiate measures to compel negro suffrage in other States when our people adopt it here. In view of the example of our adjoining sister States of Illinois, Wisconsin and Minnesota, and its probable rejection here, is not the proposed action premature now?

It is not necessary to adopt this proposition to amend, as a barrier to the reestablishment of Southern slavery. It is a sufficient answer to such a view, that the present test oath prescribed by Congress has thus far effectually excluded all from the National Legislature who aided or abetted the Rebellion; that the Government is maintaining a standing army in the South, not only for the purpose of enforcing the Constitution and the laws, but also of seeing that neither slavery or involuntary servitude shall be established there as a domestic relation.

Further, the people of the South openly avow their willingness to submit to the abolition of slavery, and that they have no desire to re-establish it. They cannot do so if they would. The people of this Union will never again tolerate it. It is the dictate of sound policy to take them at their word, and such is the view of the

Executive branch of the National Government. The President, in his message to the Senate, dated January 11, 1866, says of the States lately in rebellion: "From all the information in my possession and from that which I have recently received from the most reliable authority, I am induced to cherish the belief that personal animosity is surely and rapidly merging itself into a spirit of nationality, and that representation connected with a properly adjusted system of taxation, will result in a harmonious restoration of the relations of the States to the National Union."

It is a libel upon the Democracy of the North, now that slavery is everywhere within the limits of the Republic abolished by Constitutional law, to say that they do now, or ever will, desire its re-establishment.

Constitutions should not be amended to carry partisan measures. That which is the policy of a political party to-day, may be the opposite next year, and times of high party excitement, when the passions of many are excited to an unparalleled degree, are unfavorable to altering or abolishing any part of that matchless guaranty of our rights—the source and continuance of our national existence, the Constitution of the United States. This priceless treasure framed by a body of men whose equals in learning, political foresight and sagacity, intelligent, self-sacrificing patriotism, never did before and never will again assemble together upon earth, framed the section now sought to be repealed, in view of the contingency of slave emancipation, and if so, it follows that its occurrence affords no ground for this amendment.

Mr. Jefferson, in his notes upon Virginia, says it was so contemplated, and the provision of this section whereby free blacks count more than slaves, even in the slave States, shows that a bounty was held out to emancipation.

To suppose that the present Constitution does not provide for the existing emergency is to assume that the authors of it believed that African slavery would exist forever, is a theory unjust to the founders of the greatest, the best, and the freest Government in the world; an impeachment of their consistency, and the well recorded history of their declarations at the time. They framed it to last through all time. The Supreme Court of the United States, in 1 Wheaton 304, in speaking of the Constitution says, "it was not intended merely to provide for the exigencies of a few years, but

was to endure through a long lapse of ages; the events of which were locked up in the inscrutable ways of Providence." Such has been the understanding ever since its adoption. In urging upon the South the policy of emancipation and compensated labor, the Northern friends of this policy asserted that it would be better for the South, socially, financially and politically.

If the proposed change is desirable; if the object be to blot out the right of the State, and to place all power in a great centralized government, why not alter the basis of representation in the Senate of the United States, and instead of giving the State of Rhode Island, which has not as much area as the county of New York, and not so populous as the city, two Senators, base it upon the voting population.

Under the present provision the freedmen of the South have the same rights as the negro in this State and in a very large majority of the Northern States, and as to the right of suffrage he is in no worse condition than our wives, our daughters of full age, and our sons of non-age. In respect to these persons it cannot be asserted that by reason of their not exercising this privilege, they are not protected by legislation, or, are likely to have forced upon them a system of oppression.

In view of the fact that the question before us was not in issue in the election of members of this House; and that the people of this State, judging from their last decision upon the question of negro suffrage, will in all probability, again reject it, and believing that it is wise to leave the Constitution in this regard as our forefathers transmitted it to us, the undersigned would respectfully recommend, that the preamble and resolutions be not adopted.

T. S. WILSON.

Subsequently this resolution was made a special order and then quickly laid on the table.<sup>6</sup> The whole history of these attempts is sufficient commentary on the fact that the opinion of Iowa legislators on such difficult problems was only beginning to crystallize. It shows also that the prin-

<sup>6</sup> *House Journal*, 1866, pp. 77, 132-136, 147, 158.

Mr. Wilson was a Judge of the Supreme Court of the Territory and prominent in the history of Iowa. For a brief sketch of his life, see *History of Dubuque, Jones and Clayton Counties*, p. 246.



ciples which were within a few years to be embodied in the second section of the fourteenth amendment and in the fifteenth amendment were pretty generally discussed beforehand.

With regard to the third and the fourth sections of the fourteenth amendment two different resolutions were introduced in the State House of Representatives in 1866. The first was of a general nature but includes the principle. It urged Congressmen from Iowa "to oppose by all lawful means the admission of members from the States lately in rebellion to seats in either branch of Congress until sufficient guarantees shall have been provided for securing to the race lately emancipated in such States the substantial enjoyment of all the rights of freemen; against any assumption or payment of the rebel war debt; and until satisfactory evidence shall be afforded of genuine loyalty to the United States on the part of persons claiming admission to such seats, and that such admission will be consistent with the safety of the Union." The Committee on Federal Relations seems never to have reported, but nearly two months later the resolution was taken up, considered, and adopted by a vote of 71 to 14, though twelve members were absent or not voting. The Senate Committee on Federal Relations recommended in its report on this resolution that further legislation on the subject was inexpedient — hence no further action was taken in that house.<sup>7</sup>

In the meantime, however, the second resolution had been offered in the lower house in favor of prohibiting the United States or any State "from assuming or in any way becoming responsible for the so-called Confederate or rebel debt, or any other debt or obligation, or any part thereof, contracted to carry on, or for the purpose of aiding or assist-

<sup>7</sup> *House Journal*, 1866, pp. 165-166, 756-757; *Senate Journal*, 1866, pp. 436, 639.



ing in any manner, to carry on the war against, and designed to divide and destroy the Union." This matter too was entrusted to the Committee on Federal Relations and was never heard of again.<sup>8</sup>

#### COMPENSATION OF MEMBERS OF CONGRESS

To the Fifteenth General Assembly of the State of Iowa the matter of chief concern in national constitutional affairs was the need of an amendment to check the power of any Congress to increase the compensation of its members. A resolution urging Representatives and Senators from Iowa to favor the submission of such an amendment for the ratification of the several State legislatures was introduced and adopted in the State Senate. Almost immediately a motion to reconsider prevailed, but in answer to the favorable report of a special committee the resolution was passed by the unanimous vote of Senators present. The lower house at first agreed to pass the resolution on file, later referred it to the Committee on Federal Relations, and finally adopted it in accordance with the committee's recommendation.<sup>9</sup>

#### RELIGIOUS EDUCATION AND USE OF SCHOOL FUNDS

It was not until recent years that any amendment has been suggested in regard to religion. In 1875 President Grant recommended among other things that some action be taken on the subject of religious education and the use of school funds. James G. Blaine accordingly prepared and introduced a resolution embodying the desired reforms. The amendment proposed in Congress as Article XVI forbade the passage of any State law to establish religion or prohibit the free exercise of religion. Furthermore it re-

<sup>8</sup> *House Journal*, 1866, p. 226.

<sup>9</sup> *Senate Journal*, 1874, pp. 21, 22, 24-25; *House Journal*, 1874, pp. 56, 120, 133, 150; *Laws of Iowa*, 1874, Joint Resolution No. 7.

quired that no money raised by taxation in any State or derived from any public fund for the support of public schools therefor, and no lands devoted thereto should ever be under the control of any religious sect or denomination. Nor should any moneys so raised or lands so devoted be divided among religious sects or denominations.<sup>10</sup> A resolution introduced in the State Senate called attention to the foregoing proposal and urged Congressmen from Iowa to use all honorable means in their power to secure its acceptance by the national legislature. However, it got no farther than the Committee on Federal Relations which reported it back without recommendation.<sup>11</sup>

#### NON-RESIDENT ALIEN LAND OWNERS

Probably the longest resolution of its kind on the records of both houses of the State legislature is the one which begins with a preamble on the evils of permitting aliens to own lands in the United States. Obviously some danger lurked in a system of extensive land-holding by foreigners who never intended to become naturalized citizens. To prevent this a constitutional amendment was deemed advisable. In 1888 the House of Representatives declared with the Senate's concurrence that the first duty of governments was "to adopt such policies as will best promote the growth of National power and insure prosperity to the Nation and its citizens", and to secure these results permanently a prime requisite was that the lands of the Nation should not be owned and controlled by citizens of foreign nations who owed no allegiance to our government and used the income from their lands to swell the aggregate wealth of other nations. Hence arose the fear that a continuation of this evil

<sup>10</sup> *Annual Report of the American Historical Association*, 1896, Vol. II, p. 277. This proposed amendment succeeded in the United States House of Representatives but failed to obtain a constitutional majority in the Senate.

<sup>11</sup> *Senate Journal*, 1876, pp. 11, 360.

would result in the introduction of foreign systems of land-lordism, thereby endangering American laboring interests.

The General Assembly did not hesitate to assert that the ownership of lands within the limits of any State or Territory by non-resident aliens threatened our national prosperity and vitally affected the interests of our citizens, especially those who sought to secure homes on the public domain. Congress was asked, therefore, to submit to the States an amendment which should in the first place prohibit non-resident aliens from owning, possessing or controlling, "either individually or as a member of any company or corporation," any land or real estate in the United States. Secondly, the amendment should within six years after its adoption provide for the equitable extinction of all titles to land held by non-resident aliens.<sup>12</sup>

This memorial and joint resolution was presented to the United States Senate by James F. Wilson of Iowa, was referred to the Committee on the Judiciary, and ordered to be printed in the *Congressional Record*. In the House of Representatives it was laid upon the clerk's desk by David B. Henderson and referred to the Committee on the Judiciary. Neither committee took pains to make a report, probably because the nature of the case did not warrant such an unnecessarily extreme measure as an amendment to the Constitution.<sup>13</sup>

#### POLYGAMY

Most recent of the resolutions on miscellaneous subjects was that of Mr. Klay of Sioux County. In 1909 a memorial

<sup>12</sup> *House Journal*, 1888, pp. 119, 271-272; *Senate Journal*, 1888, pp. 258, 778; and *Laws of Iowa*, 1888, p. 238.

<sup>13</sup> *Congressional Record*, Vol. XIX, Part 3, pp. 2894, 2918, 2985.

In a comprehensive list, Professor Ames does not include this or any similar proposition. If the resolution of the State legislature of Iowa is the first on the subject prior to 1889, it may claim a unique distinction in the history of proposed amendments. See note 1 above.

was adopted in the House of Representatives and concurred in by the Senate, requesting Congress to call a national constitutional convention for the purpose of preparing an amendment which would prohibit polygamy and polygamous cohabitation. In the preamble of this resolution it was asserted that the United States Senate had recently investigated the matter and found polygamy still existing in certain places in spite of prohibitory statutes. Further it was declared that public opinion in the United States condemned the practice and demanded a more effectual prohibition "by placing the subject under federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce". The resolution, therefore, contained a clause respectfully requesting all State legislatures in the United States to join in the application to Congress.<sup>14</sup>

The proposed amendments which remain to be treated may be divided into two classes. The first class embraces all amendments to Article II of the Constitution, which provides for the Executive; and the second class consists only of numerous amendments to the third section of Article I relative to the election of United States Senators.

#### ELECTION OF PRESIDENT

Earliest of all propositions of the State legislature of Iowa was the joint resolution of 1848 requesting a revision of the Constitution in regard to the election of President. The exact nature of the reform desired cannot be ascertained, but the resolution never got beyond the Committee on Elections.<sup>15</sup>

<sup>14</sup> The House and Senate Journals for 1909 were not accessible when this was written. House Joint Resolution No. 9 petitions Congress to call a Convention to amend the Constitution. For its exact wording the Journals should be consulted.

<sup>15</sup> *House Journal*, 1848-49, pp. 261, 273.



The next resolution proposed to make the President ineligible for a second term. Of this memorial of 1864 the preamble is especially worthy of note. For a long series of years, it declared, there had been a growing conviction of the importance and necessity of making the President eligible for one term only. It was believed that such a change "would go far, very far, to restrain the incumbent in office, and his political associates and friends from descending to the arena of the politician, and to the management and the incidental corruptions of the political heart of the people of the United States." Large bodies of citizens and recent conventions had commended this subject to the consideration of Congress, but the lower house declined to indorse their action. The resolution was, therefore, tabled at once.<sup>16</sup>

Two years later a similar resolution was introduced into the upper house. The executive power should be vested in a President who should hold office for a term of four years and be ineligible during the rest of his "natural life." In case of the President's removal by death, resignation or inability to discharge his duties, the office should devolve on the Vice President and be closed to him at the end of his term. The same rule should apply to any officer whom Congress might by law designate to fill the office in the event of the removal of both President and Vice President.

As is well known, a wide difference of opinion existed at that time between Congress and President Johnson, and resolutions of the nature just described were not at all infrequent. The United States Senate was even then considering such a proposition. Action on the subject in Iowa was but an attempt to get the State legislature to give its moral support. In spite of the Senate committee's favorable report, the resolution was laid on the table, but not before a motion had been made to amend by adding the provision

<sup>16</sup> *House Journal*, 1864, p. 585.

that "this is only intended to apply to such Presidents as turn traitors to the platform and party that elect him, and to such Presidents as the *people* do not wish re-elected."<sup>17</sup>

Two different resolutions introduced in 1872 urged the Senators and Representatives from Iowa to favor and secure the adoption of proposed amendments then pending in Congress. One of these provided that no person who had ever held the office of President should again be eligible. The other amendment proposed to make foreign born citizens eligible to the offices of President and Vice President. Both resolutions were indefinitely postponed in accordance with the recommendation of the committee on Federal Relations.<sup>18</sup>

The next proposition was a memorial and joint resolution offered in 1888 in favor of the extension of the presidential term to six years. Although the committee recommended amendments and adoption, the lower house seems never to have taken final action.<sup>19</sup>

The last two attacks upon the second article of the Constitution were aimed at the section on the electoral college, and were delivered in 1892 in the House of Representatives of the Twenty-fourth General Assembly. One resolution was disposed of within a few days. It requested Congress to adopt a national Australian ballot law under the provisions of which all ballots for members of Congress and electors for President and Vice President should be cast, and furthermore it asked that the necessary steps be taken to so amend the Constitution that electors in all States should be elected by a direct vote of the people and in a uniform manner.<sup>20</sup> By the Constitution each State legisla-

<sup>17</sup> *Senate Journal*, 1866, pp. 262, 273, 382.

<sup>18</sup> *House Journal*, 1872, pp. 81, 130, 464.

<sup>19</sup> *House Journal*, 1888, p. 405, 505.

<sup>20</sup> *House Journal*, 1892, pp. 265, 291.

ture was left to direct the manner of appointing or securing presidential electors so that a variety of methods have existed throughout the United States. Democracy and party organization, however, have made the method by popular vote uniform since about 1892. Constitutional amendment in this case was unnecessary.

The other resolution provided for the abolition of the electoral college and substituted for it the election of President and Vice President by a direct vote of a majority of the people of the several States. This revolutionary proposal was referred to the Committee on Federal Relations and was reported back without recommendation.<sup>21</sup> Since that time the State legislature has concerned itself only with the question of the popular election of United States Senators, a movement the history of which will conclude these pages.

#### ELECTION OF UNITED STATES SENATORS

Previous to 1872 the records of the General Assembly contain no reference to the choice of Senators by popular vote, but since then and especially during the last twenty years propositions to that end have been presented with astonishing frequency and regularity. Legislative activity in this direction in Iowa coincides curiously enough with the unprecedented interest manifested in the subject by Congress, while the whole movement shows the state of popular feeling.

Before proceeding with this account it may be well to recall the principal arguments urged in favor of election of Senators directly by the people. First, our present method can not be reconciled with the principle of democracy which requires implicit faith in the wisdom of the people. Secondly, it tends to lead to the corruption of legislatures and

<sup>21</sup> *House Journal*, 1892, pp. 349, 437.

to the selection not always of deserving men but often of very wealthy men with corporation interests at heart. Thirdly, popular election would prevent altogether the prolonged deadlocks which sometimes occur, as in the present State legislature of Illinois. Fourthly, it would remove one incentive for legislative gerrymandering of States. Finally it is claimed that the evils of introducing national affairs into State politics and the election of State legislators on national instead of local issues would be diminished. All these reasons are urged in spite of the fact that "the United States has the only effective second chamber in the world."<sup>22</sup>

In 1872 a resolution was presented in the State Senate requesting Iowa Senators and Representatives to use their influence to secure the adoption by Congress of an amendment which proposed to allow the people of the several States to elect their United States Senators. It provided, furthermore, that just previous to the expiration of the term of a Senator his successor should be chosen by the people at the general election for members of the lower house in the State. A seat vacant otherwise than by expiration should also be filled in the same way at the first general election within three months after the vacancy occurred. If this were impossible, the Governor of the State should temporarily appoint a Senator until the expiration of one month after the election at which the vacancy should be permanently filled. The Committee on Federal Relations reported favorably on this resolution but the Senate allowed it to remain on file.<sup>23</sup> The resolution of 1874 succeeded, both houses passing it by decisive votes.<sup>24</sup>

<sup>22</sup> *Annual Report of the American Historical Association*, 1896, Vol. II, pp. 60-63.

<sup>23</sup> *Senate Journal*, 1872, pp. 58, 393.

<sup>24</sup> *Senate Journal*, 1874, pp. 37, 61, 62, 76, 88, 96, 97, 110; *House Journal*, 1874, pp. 138, 140, 159, 162; *Laws of Iowa*, 1874, Joint Resolution No. 6.



In the preamble of the resolution of 1876 election of Senators by the people was characterized as "more in accordance with the spirit of our institutions."<sup>25</sup> The Committee on Constitutional Amendments submitted an unfavorable report, and there the matter rested until 1888 when it was declared that the election of United States Senators by the State legislature was "often not a fair expression of the will of the people who choose the legislature." The resolution proposing an amendment was immediately adopted upon introduction in the House of Representatives, but met its death in the Senate.<sup>26</sup>

Two resolutions urging popular election of Senators came up in the Senate of the Twenty-third General Assembly. The second of these contained a declaration to the effect that "our government should be a true republic and an actual democracy — in the language of President Lincoln, a government of the people, for the people, by the people." It was referred to the Committee on Constitutional Amendments and Suffrage, which recommended indefinite postponement. The first resolution was presented to the consideration of the Committee on Federal Relations and was returned slightly modified. Neither proposition, however, found favor in the Senate.<sup>27</sup>

The joint resolution fathered by a member of the lower house in 1892 received friendly consideration at the hands of the committee, but another resolution covering the same ground adopted in the Senate proved an acceptable substitute. The vote of members present was almost unanimously favorable.<sup>28</sup>

<sup>25</sup> *House Journal*, 1876, pp. 20, 70.

<sup>26</sup> *House Journal*, 1888, p. 78; *Senate Journal*, 1888, pp. 123, 160, 181, 195, 196.

<sup>27</sup> *Senate Journal*, 1890, pp. 110, 197, 255, 422.

<sup>28</sup> *House Journal*, 1892, pp. 59, 186, 332, 339, 340, 357; *Senate Journal*, 1892, pp. 46, 184, 293; *Laws of Iowa*, 1892, p. 183.

It is sufficient here simply to mention the unsuccessful resolution of 1894<sup>29</sup> and pass on to the next proposals to amend the Federal Constitution.

In 1900 special emphasis was laid upon the constitutional provision that no State shall without its consent be deprived of equal representation in the Senate. Inasmuch as "such consent can be given only by the deliberate action of the electors," and several States had been "illegally and arbitrarily deprived of such representation by the failure or refusal of the legislatures thereof to elect Senators according to law," the House of Representatives almost unanimously resolved that the direct vote for Senators would best guarantee the right of the people to equal representation in the United States Senate. In the upper house a favorable committee report was rendered but no final action was taken.<sup>30</sup>

Of particular importance in the history of amendments proposed in the State legislature of Iowa is the resolution introduced by Mr. Hughes of Iowa County and considered in two successive General Assemblies. It summed up the situation by calling attention to the fact that numerous State legislatures had at various times adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and that the national House of Representatives had on four separate occasions within recent years adopted resolutions in favor of the proposed change and the Senate had as often refused to concur. The resolution advocated the calling of a national constitutional convention. In order to secure the applications to Congress of two-thirds of the State legislatures, provision was made for sending a copy of the resolution to the Secretary of State of each State of the Union.

<sup>29</sup> *House Journal*, 1894, pp. 59, 916.

<sup>30</sup> *House Journal*, 1900, pp. 166, 251; *Senate Journal*, 1900, p. 491.

This resolution succeeded in the House of Representatives of the Twenty-ninth General Assembly, but failed to arouse enthusiasm in the Senate until two years later when it passed the Senate first and the lower house afterwards. The proposal to summon a constitutional convention deserves notice because it is the first instance of such a desire on the part of the State legislature of Iowa.<sup>31</sup>

Subsequently the Thirty-first and Thirty-second General Assemblies also expressed strong dissatisfaction with the refusal of Congress to submit the question of popular election of Senators to the electorate of each State. In the one instance Governor Cummins was "authorized and directed to invite the Governors of the various states to appoint and commission five delegates from each of their respective states to constitute an inter-state convention, to be held in the city of Des Moines, or elsewhere, to be convened in the year 1906, for the purpose of securing such action on the part of the several states as will result in the calling of a constitutional convention". Senator Garst reported a substitute in the shape of a bill for an act to appropriate one hundred dollars for the payment of the necessary expenses in calling the convention, but the Senate rejected his suggestion and adopted the original resolution.<sup>32</sup> In the resolution of 1907 the legislature returned to the precedents which declared that the only practicable method of securing the submission of amendments to the States was through a constitutional convention in the first instance.<sup>33</sup>

It is probable that since the adoption of a primary elec-

<sup>31</sup> *House Journal*, 1902, pp. 636, 654, 904; *Senate Journal*, 1902, pp. 781, 1030; and *House Journal*, 1904, pp. 556, 634, 716; *Senate Journal*, 1904, pp. 198, 301, 480.

<sup>32</sup> *Senate Journal*, 1906, pp. 261, 349, 478-481; *House Journal*, 1906, pp. 563, 566, 679, 721-723.

<sup>33</sup> *Senate Journal*, 1907, pp. 155, 243, 281-282, 547, 554, 632, 633, 634; *House Journal*, 1907, pp. 312, 331, 555, 595-596, 716, 727.

tion law in Iowa and other States the agitation in favor of the direct election of Senators by the people will cease entirely. At the regular and extra sessions of the Thirty-second General Assembly, acts were passed providing for the holding of party primary elections for an expression of the choice of party candidates for Senator. It may be said, therefore, that another "convention" of the Federal Constitution is becoming stereotyped and in the course of time all States may accept this or the Oregon plan to solve the problem, and thus render amendment unnecessary.

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## A CRITICAL STUDY OF THE DEFINITION AND ALTERATION OF COUNTY BOUNDARIES IN IOWA AND OF THE LAWS BY WHICH THEY WERE ESTABLISHED

This paper is based upon two former articles entitled *A History of the Establishment of Counties in Iowa* and *The Boundary History of Counties in Iowa* which were printed, respectively, in the July, 1908, and January, 1909, numbers of THE IOWA JOURNAL OF HISTORY AND POLITICS. By way of contrast to these two articles which were historical in their character, the following paper makes an attempt at a critical study of the definition, alteration, and character of county boundaries together with an examination and analysis of the laws by which they were established. These two general subjects are prefaced by a brief discussion of the number, size, and shape of the counties themselves.

### THE NUMBER OF COUNTIES CREATED

Iowa has ninety-nine counties. The period of their establishment covers twenty-four years, extending from 1834 to 1857 inclusive. Some of the years between these dates were more prolific in the birth of new counties than others. In 1838 fourteen new counties were created; in 1846, twelve; in 1851, forty-nine; and in 1857 one was established. During several years between 1834 and 1857 no new counties were created at all. The longest interval between the establishment of counties was four years. There were two such periods — one from 1839 to 1843, and one from 1853 to 1857.

Of the ninety-nine counties now in existence in Iowa, two

were originally established during the period of the Territory of Michigan, nineteen during the period of the Territory of Wisconsin, twenty-three during the period of the Territory of Iowa, and fifty-five since the State of Iowa was established.<sup>1</sup>

The whole number of counties established in Iowa since 1834 has been one hundred and five. Of this number two were established during the period of the Territory of Michigan, twenty during the period of the Territory of Wisconsin, twenty-three during the period of the Territory of Iowa, and sixty during the period of the State of Iowa.<sup>2</sup>

The establishment of counties in Iowa has had a close connection with the acquisition, by the government of the United States, of the lands of the Indians situated within the boundaries of the present State. Every cession of such lands has been followed closely by the erection of new counties in the districts thus acquired. Generally such districts have not been divided up into counties until vacated by the Indians, but occasionally regions not yet free from Indians have been erected into counties. Sometimes regions not yet ceded have been included in newly established counties, as exemplified by the original counties of Fayette, Buchanan, Benton, and Keokuk.

As a rule counties were laid out in advance of the arrival of actual settlers. Sometimes, however, would-be settlers were on the ground first. Occasionally the organization of new counties was provided for by the act establishing them; but usually actual organization waited several years for the coming of the settler.

Of the one hundred and five counties created, six (Cook,

<sup>1</sup> The counties of Iowa did not all receive their present shapes and sizes during the periods in which they were originally established.

<sup>2</sup> The mere changing of the name of a county, as for example the changing of the name of Slaughter County to Washington, has not here been reckoned as equivalent to the erection of a new county.

Risley, Yell, Bancroft, Humbolt, and Crocker) were blotted out. Their names were not simply changed, but they were actually destroyed, their territories being given to other counties. Crocker County occupied the same location as Bancroft, but since fifteen years elapsed between the blotting out of the latter and the erection of the former, they can not be regarded as one and the same county. Humbolt County was succeeded in the same way by Humboldt; but again an interval of several years requires us to count two counties instead of one. Crocker County was blotted out by a decision of the Supreme Court.

In addition to these six counties which were blotted out, there were seven (Dubuque, Des Moines, Fayette, Buchanan, Benton, Keokuk, and Pottawatomie) which may be called temporary. In each case reference is made to the county as first established. These seven counties as first created were of very large size and were otherwise peculiar in character. The territory of four of them (Fayette, Buchanan, Benton, and Keokuk) belonged almost entirely to the Indians. All of them were merely temporary jurisdictions and were soon subdivided. In the process of division the county name was kept and applied to a part of the former county. In nearly every case the law shows clearly that the second county is to be considered as the continuation of the former county of the same name. For this reason these seven counties have not been counted twice in these totals.

The six counties mentioned above as having been blotted out were also temporary in a sense, making thirteen temporary counties in all. In other respects the two groups differ.

In addition to the two groups just discussed, the three proposed counties of Madison, Belknap, and Grimes may be mentioned. These were established by the legislature subject, however, to ratification by the voters of the coun-

ties concerned. Madison was to be carved from Lee County, Belknap and Grimes successively from Pottawattamie. In each case the proposition failed to carry with the voters and the county was not established — hence the title of “proposed counties”.

In one respect Crocker County was similar to these three “proposed counties”. Its establishment was proposed and even carried out when another branch of the government (the judiciary) nullified what had been accomplished. The legislature attempted to establish the county; the judiciary defeated the attempt. In this respect it falls in the same class with the counties of Madison, Belknap, and Grimes.

When Bancroft County was yet in existence, from 1851 to 1855, and again while Crocker County was on the map in 1870 and 1871, Iowa had one hundred counties. Many have wished that our State had one hundred counties to-day. This desire was no doubt at the bottom of the legislative attempts to create the counties of Belknap and Grimes and, perhaps, even of Crocker itself. The mistake was made when Bancroft was blotted out and its territory given to Kossuth in 1855. If Bancroft had been retained the Constitution of 1857 would have legalized it, as it did others in the same tier, and the State would to-day have one hundred counties. If ever another new county is added to those now in existence, it would naturally be created by a subdivision of Kossuth, Pottawattamie or Woodbury, since these three are the only counties in the State large enough to allow division and still fulfill the requirements of the Constitution.

#### SIZE AND SHAPE OF COUNTIES AND CHARACTER OF THEIR BOUNDARIES

In size the counties of Iowa range in area from 396 to 984 square miles. The two smallest counties are Louisa



with 396 square miles and Des Moines with 400. The four largest are Plymouth with 820, Woodbury with 864, Kosuth with 876, and Pottawattamie with 984 square miles. The largest county is almost exactly two and one-half times as large as the smallest.

On the whole the counties of Iowa are of nearly equal size. Only two have as few as 400 square miles, and only four above 800; many are of the same size. Six contain 720 square miles each; thirteen, 432 square miles; and thirty-nine, 576 square miles. In other words, fifty-eight counties contain each, either twelve, sixteen, or twenty congressional townships. The average area of the ninety-nine counties of Iowa is a fraction over 565 square miles.

The largest county ever established in connection with Iowa was the temporary County of Fayette, created in 1837 by act of the legislature of the Territory of Wisconsin. It covered most of the territory of the two Dakotas and Minnesota, together with a fourth part of Iowa.<sup>3</sup> Its area has been estimated at 140,000 square miles,<sup>4</sup> nearly three times as large as the present State of Iowa. All of the other temporary counties, mentioned above, were also of very large size. The smallest county ever included within the limits of Iowa was Slaughter (now Washington) as it existed between the act of January 12, 1839, (by which a part of its territory was given to Louisa County) and that of January 25, 1839. During this period<sup>5</sup> it contained nine square townships or 324 square miles.

A tendency to equalize the counties of Iowa in point of

<sup>3</sup> See Map IV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS. All references to maps in this paper will be to the July, 1908, number of this journal.

<sup>4</sup> Gue's *History of Iowa*, Vol. III, p. 344.

<sup>5</sup> It is barely possible that the act of January 25 went into force before that of January 12, in which case Slaughter County was never so small as herein stated.

size may be traced throughout the history of their establishment. An act approved on January 24, 1855, may be cited as an example of this tendency. The effect of this act was to take from Floyd and Chickasaw counties and add to Mitchell and Howard enough territory to make the four counties almost equal in size.<sup>6</sup> While this tendency has usually taken the direction of reducing large counties to smaller dimensions, examples of increasing the size of the smaller counties are not lacking.

In their shape the counties of Iowa are very regular. Seventy-six are bounded entirely by straight lines; thirty-nine of these are square. This gives to the county map of the State a certain regularity — a checker-board appearance which is very different, indeed, from the appearance presented by the shire map of England or the department map of France. To a remarkable extent the counties of Iowa are arranged in tiers running east and west. This arrangement is least noticeable in the eastern fourth of the State.

Most of the boundaries of Iowa counties are defined in terms of the United States land survey. This accounts for the many straight lines. Two correction lines cross the State from east to west, causing jogs in the eastern and western boundaries of two tiers of counties, varying the regularity to a certain extent. One of these lines crosses the State between Sioux City and Dubuque and the other runs east and west through Des Moines. A third correction line affects the eastern and western boundaries of Page County and consequently the eastern boundary of Fremont and the western boundary of Taylor.

Since Iowa has no mountains, the only topographical features which can serve as county boundary lines are the rivers and streams. In all, twenty-three counties have par-

<sup>6</sup> See Map XIII.

tial river boundaries. On the borders of the State the Mississippi River forms the partial boundary of ten counties, the Missouri of six, the Big Sioux of four, and the Des Moines of one. In the interior of the State four rivers also help to form county boundaries. The Wapsipinicon helps to separate Clinton and Scott counties; the Skunk River forms the boundary between Des Moines and Lee; the Iowa River separates Johnson and Washington for some six or seven miles; and the Des Moines River serves as a boundary between Polk and Warren for four or five miles. This latter boundary is not marked on all maps. Thus it is seen that nineteen border counties and eight interior counties have partial river boundaries. In most of these cases the county has only one river boundary. Clinton and Scott counties, however, each have two river boundaries, while Lee County has three. Lee County, therefore, is more nearly surrounded by water boundaries than any other county in Iowa.

Glancing for a moment at the relative location of the counties it is seen that eleven are on the northern border of the State, ten on the eastern border, ten on the southern border, and nine on the western border. Subtracting the corner counties, which have been counted twice, it is seen that of the ninety-nine counties in Iowa thirty-six are on the borders of the State and sixty-three in the interior. As a rule each county touches four or five others. Three corner counties, however, touch only two others in Iowa. Webster County touches more counties than any other in the State. To bound it one has to name seven of its neighbors.

The map of Iowa with its straight-line borders on the north and south and its great river boundaries on the east and west is the most beautiful of any State in the Union. Its shape, its proportions, its symmetry, are very pleasing to the eye.

## HOW THE COUNTIES OF IOWA WERE ESTABLISHED

No counties in Iowa were ever established by executive proclamation — a method which had been frequently employed in the Territories of Michigan and Wisconsin. All have been erected by legislative enactment. In the work of creating new counties the legislature has been limited little by the Constitution of the State. The Constitution of 1846 contained but one provision relative to the establishment of counties which reads as follows: "No new county shall be laid off hereafter, nor old county reduced to less contents than four hundred and thirty-two square miles."<sup>7</sup> The Constitution of 1857 repeated the above provision in substance<sup>8</sup> and contained one other reference to counties. This second reference, which appears in connection with the regulation of general laws, reads: "No law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it."<sup>9</sup>

The division of the State into counties had been practically completed by the act of January 15, 1851.<sup>10</sup> After that date the legislature would be chiefly concerned with the alteration and adjustment of boundaries. This may have been the reason for the insertion of the clause just quoted in the Constitution of 1857, with the adoption of which a new principle was introduced into the establishment of Iowa counties, namely, the principle of popular ratification, or perhaps better, of the referendum. Several times have the people of different counties acted upon this

<sup>7</sup> Constitution of Iowa, 1846, Article XI, section 2.

<sup>8</sup> Constitution of Iowa, 1857, Article XI, section 2.

<sup>9</sup> Constitution of Iowa, 1857, Article III, section 30.

<sup>10</sup> See Map XI.



principle. In 1874 the electors of Pottawattamie County voted upon the proposition of establishing the new county of Belknap. In 1876 they voted upon the proposition of establishing the county of Grimes. In 1880 the voters of Polk, Boone, and Story counties balloted upon the proposition of so altering their boundaries as to include the town of Sheldahl entirely within the limits of Story County. In each of these cases the proposal of the State legislature failed to carry with the people. The act of March 11, 1858, amending the act of the previous year creating Humboldt County, was nullified by the Supreme Court of the State in a decision handed down on December 4, 1860,<sup>11</sup> because the question had not been submitted to the people.

On April 2, 1862, the State legislature passed an act providing a new method of altering county boundaries.<sup>12</sup> This act introduced an entirely new principle, namely, that of the initiative. Once only has this principle been put into practice. In 1865 Crawford and Monona counties, taking advantage of the provisions of this law, voted upon and carried a proposition to move the boundary between the two counties one township farther west. No further action by the legislature was necessary.

By a general act approved on March 28, 1864, a new method of changing the names of counties was provided.<sup>13</sup> Again the initiative was conferred upon the counties themselves. Since the passage of this act no county has changed its name. Whether any attempt to do so has been made and the proposition has failed to carry, the writer has been unable to ascertain.

From this brief discussion of how the counties in Iowa have been established it will be seen that the chief factor

<sup>11</sup> *Duncombe vs. Prindle*, 12 Iowa 1.

<sup>12</sup> *Laws of Iowa*, 1862, p. 93.

<sup>13</sup> *Laws of Iowa*, 1864, p. 109.

has been the legislature, Territorial and State; that since 1857 alterations in boundary lines have been voted upon by the electors of the counties concerned; and that since the passage of the general laws in 1862 and 1864, the counties have had power to take the initiative in altering their boundaries or in changing their names.

#### HOW BOUNDARIES WERE DEFINED

Forty-two laws bearing upon the subject of this paper were passed by the legislatures of the Territories of Michigan, Wisconsin, Iowa, and by the legislature of the State of Iowa. Some of these created or proposed new counties; some altered or redefined boundary lines. Some dealt with boundary lines only; others included a mass of additional detail about the organization of counties, etc. Two, only, were general laws.<sup>14</sup>

It is interesting to notice how the boundaries of new counties were defined in the acts by which they were established. From first to last many differences are to be found in the definition of boundary lines.

In the first act in the series, namely, that of September 6, 1834, the boundaries of the two counties established were defined in a very simple manner. An arbitrary line was drawn west from the southern point of Rock Island. That part of the Black Hawk Purchase north of this line was to become Dubuque County; that part south of it, Des Moines County.

When Des Moines County was subdivided by the act of December 7, 1836, the county boundaries were defined to a large extent in terms of natural features. Instead of running east and west, or north and south, the dividing lines

<sup>14</sup> A list of these forty-two laws may be found at the close of this paper. References have been added showing where each act may be found in the session laws. For this reason it has not been deemed necessary to give in the foot-notes a reference for every legislative act mentioned.

ran in any direction and with no regularity, because the government survey of the region had not yet been completed. From the standpoint of the county boundaries this is the most unique law in the whole series.<sup>15</sup>

Dubuque County was subdivided by the act of December 21, 1837. By this time the government survey had been completed and hence the boundary lines of the new counties were defined in terms of this survey. Delaware County may be taken as an example. Its boundaries were defined as follows: "All the country lying within the following limits, to wit: beginning at the northwest corner of Dubuque County; thence west along the line dividing townships ninety and ninety-one north, to the line dividing ranges six and seven west; thence south along said range line to the line dividing townships eighty-six and eighty-seven north; thence east along said line to the line dividing ranges two and three west of the principal meridian; thence north to the place of beginning — shall be, and the same is hereby constituted a separate county to be called Delaware." There is little to be commented upon in this definition. It will be noticed that the starting point is at a corner of a county already described, also that the boundaries are defined in the order of north, west, south, and east. These precedents were followed in most of the later laws. Many of the counties established by this act bordered either on the Mississippi River or on the Indian lands, lying to the north or west and hence their boundary lines had to be defined in terms altogether different from those used in the definition of the limits of Delaware County. The boundaries of the other interior counties were defined in nearly the same way as those of Delaware, although some variations are noticeable.

<sup>15</sup> This law was quoted practically in full on pp. 384-385 of the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

In 1838 the boundaries of the counties, carved in 1836 from the former county of Demoine, were redefined — this time in terms very similar to those used in the definition of Delaware County as given above. The introductory sentence is brief, reading thus: “The boundaries of the county of..... shall be as follows, to wit:” In the place of the clause which closed the definition of the boundaries of Delaware County is found one locating the county seat or attaching the county to some other one for judicial or other purposes. Considerable extraneous matter is found in the law.

The act of February 17, 1843, which defined the boundaries of eleven counties did so somewhat more concisely than any preceding law. The boundaries of Black Hawk County were described as follows: “the following boundaries shall constitute a new county, to be called Black Hawk, to wit: beginning at the northwest corner of Buchanan County, thence west to range fifteen west; thence south to the corner of townships (86) eighty-six and (87) eighty-seven, of range (14) fourteen and (15) fifteen west; thence east to the southwest corner of Buchanan county, thence north to the place of beginning”.

Here again the start is taken from an old county already established when it would have been better to speak in terms of townships only. The definition of the northern boundary is concise, yet full enough. It is, however, indefinite, in its stopping place. The western boundary, on the other hand, seems much more difficult to define — at least many more words are required to accomplish it, yet the extra words are used mainly in telling where the western boundary stops, that is, in locating its southern extremity. Just why the northern boundary should be defined so briefly and the western at such length is hard to understand. If, in defining the one, we may say “thence



west to range fifteen west", why may we not in the other case say "thence south to township eighty-six"? Both the southern and eastern boundaries are defined very briefly. The eastern extremity of the southern boundary is located in terms of an older county when it would have been better to speak in terms of townships. No fault can be found with the eastern boundary as defined above when the other boundaries are correctly described. But in case of errors in other boundaries it is sometimes impossible to draw the eastern boundary when described in this way.

Not all the counties named in the act of 1843 had their boundaries defined in exactly the same terms as given for Black Hawk County. Thus Keokuk and some other counties have their northern and western boundaries described in greater detail than in the case of Black Hawk.

Three years later by the act of January 13, 1846, twelve counties were established. An examination of the act reveals much variety in the definition of the boundaries of the different counties. On the whole the counties are described in terms very similar to those used in the act of 1843. The section dealing with Lucas County reads thus: "The following shall be the boundaries of a new county, which shall be called Lucas, to wit: Beginning at the north-west corner of Kishkekosh county; thence west, to the north-west corner of township 73, north of range 24 west; thence south, to the south-west corner of township 71, north of range 24 west; thence east, to the south-west corner of Kishkekosh county; and thence north, to the place of beginning."

This description differs from that of Black Hawk County in two points only: one of these differences is in the definition of the northwest corner of the county, the description in the later law being fuller and more accurate; and the other difference is in the definition of the southwest corner.

This time the phraseology of the later law is not quite so full, but it is more scientific and accurate.

Because of errors in the act of January 13, 1846, a supplemental act was approved on the seventeenth in which the boundaries of the three counties of Jasper, Polk, and Dallas were redefined. It seems strange that in this act of the same session, approved only four days after that which it seeks to amend, the boundaries of counties should be defined in a very different manner. It is true that a part of the Polk County boundary is omitted, and that that of Dallas County differs slightly from the others; but overlooking these points, the method of defining county boundaries employed in this law is superior.

The same method was employed by the next session of the legislature, that is, by the First General Assembly of the State, in the redefinition of the boundaries of Marion and Polk counties, with an improvement in punctuation. The description of Marion County as found in the act approved on January 27, 1847, reads as follows: "Beginning at the northeast corner of township number seventy-seven north, of range number eighteen west; thence west to the northwest corner of township number seventy-seven, of range number twenty-one west; thence south to the southwest corner of township number seventy-four north, of range twenty-one west; thence east to the southeast corner of township number seventy-four north, of range eighteen west; thence north to the place of beginning." The boundaries of Polk as described in an act approved on the following day are defined in the same manner. This description is one of the best to be found in any of the forty-two laws which have to do with Iowa counties. Each boundary and each corner is defined in terms of the United States land survey. No reference is made to other counties, the boundaries of which may have been themselves in error. The

corners are definitely located. When this is done no difficulty is found in running the boundaries of each side from corner to corner. On the whole the above method of describing a county's boundaries is clear, exact, and as concise as is consistent with accuracy. Possible errors could have been avoided by writing each number of a township or range twice — thus "township number (77) seventy-seven north", instead of "township number seventy-seven north" as is done in the laws themselves.

The same session of the legislature which defined the boundaries of Marion and Polk counties in this excellent way used a different and more cumbersome method in describing the limits of the counties of Fayette, Clayton, Allamakee, and Winneshiek, and employed a different and more concise method in defining the boundaries of Ringgold, Taylor, Page, and Fremont counties. Though more concise, this last method is not so accurate. The facts just cited show how a single session of the legislature defined county boundary lines in three different ways.

The important act of January 15, 1851, creating forty-nine new counties is full of inconsistencies. As far as the definition of boundaries is concerned it may be divided into two parts, the first thirty counties being defined in one way and the last twenty <sup>16</sup> in another. To this general division a few exceptions would have to be made. For example the sixth and the twenty-seventh counties are not described like the others in the first division, or the thirty-eighth like the others in the last division. Overlooking these exceptions and a few minor differences the line of division remains clear.

The method employed to describe the counties in the first division is the longer and more cumbersome of the two and

<sup>16</sup> Fifty counties are actually bounded in this act, one of which was not a new county — hence the apparent discrepancy as to numbers.



is open to considerable criticism. All numbers of townships and ranges are given in figures only, instead of in words or, better yet, in both figures and words. For some unknown reason the northern boundary is nearly always described in more detail than the others, although in a few counties the western boundary receives the same minute definition. There is no especial objection to this detailed description of a boundary except that, if used at all, consistency would require that it be employed in describing all the boundaries of a county with the possible exception of the last boundary to be defined. By the time three sides of a county are bounded all that is required to indicate the fourth boundary is to connect two points. This can be done very briefly. Since it was usually the eastern boundary which was left to the last, we find the phrase "thence north to the place of beginning" nearly always used in describing that boundary. Brief though it is, it is sufficient.

The last twenty counties named in the act under discussion are bounded in a manner superior to the first thirty. The method used is almost the same as that employed in defining the counties of Marion and Polk in 1847, which method was commended above. The only difference is found in the fact that this method is now made a little more concise. Instead of saying, as the act of 1847 did, "Beginning at the northeast corner of township number seventy-seven north, of range number eighteen west", the act of 1851 in its last sections would read "Beginning at the northeast corner of township 77 north, range 18". In this way Cherokee County was bounded as follows: "Beginning at the north-west corner of township 93 north, range 38; thence west to the north-west corner of township 93 north, range 42; thence south to the south-west corner of township 90 north, range 42; thence east to the south-west corner of township 90 north, range 38; thence north to the



place of beginning." As it stands this description would probably pass as the best used in all the laws describing the boundaries of Iowa counties. Two small changes, however, would improve it. If we say "township 93 north" why should we not say "range 38 west"? The insertion of the word "west" is as necessary as the word "north". If the number of the township or range were written out as well as being given in figures it would have prevented errors.

It is possible to describe the boundaries of a county still more concisely and at the same time clearly and accurately. For example the act of January 28, 1857, which established the present county of Humboldt, defined its boundaries, or at least located the county, in these words: "townships 91, 92, 93 of ranges No. 27, 28, 29, and 30, west of the fifth principal meridian shall constitute the county of Humboldt." This method would have to be modified when applied to a county having a river boundary or to one having fractional townships, as those on the northern border of Iowa; otherwise it is to the point and perhaps all that is needed.

In this discussion of the ways in which the boundaries of Iowa counties have been defined it will be seen that the almost invariable custom was to begin at the northeast corner of a county and to describe the boundaries in the order of north, west, south, and east. Several different methods were employed in locating the corners of a county, and in running a boundary line. The starting point was frequently made at a certain corner of an older county, or one already described in the act. Whole boundary lines were often defined in terms of other counties — a practice which produced many errors. A better plan was to describe the new county in terms of townships and township lines which, indeed, was the usual custom.

In many respects the laws under discussion are open to

criticism. It is very common, indeed, to find in one law a very detailed description of one or two boundaries with a very brief description of the others. If one boundary needed a detailed definition, all did. In a law consistent with itself all boundaries should be described in a similar manner. A possible exception could be made in favor of the boundary last defined, as already indicated.

Variety is also found in several laws each of which bounded several counties—one county being described in one way, another in another. Making an exception in favor of border counties, there is really no excuse for this. The law of January 15, 1851, establishing forty-nine new counties is a notable illustration. Frequently, also, one session of the legislature passing several laws creating new counties would employ one method of defining county boundaries in one act and an entirely different method in another. Mention has already been made of the First General Assembly of the State which in 1847 in four different laws establishing new counties employed three different methods of defining their boundaries.

#### CONTENTS OF LAWS

The laws by which counties were established in Iowa fall into two general classes from the standpoint of their contents. One of these classes includes those acts which had for their sole purpose the establishment of new counties. This group is illustrated by the important act of January 13, 1846, creating twelve counties, and by the still more important one of January 15, 1851, creating fifty<sup>17</sup> counties. The other class contains those acts which did more than merely create new counties. The laws falling into this

<sup>17</sup> The question as to whether the Pottawattamie County named in the act of January 15, 1851, was a new county, or merely an old county of the same name reduced in size, brings up a distinction too minute to be allowed to affect the classification of the act in this paragraph.

group often attached the new counties to older ones for various purposes, established the seat of county government, provided for certain elections and for the division or payment of county debts—in short, frequently provided for the complete organization of the new counties. This group may be illustrated by such acts as those of January 21 and 29, 1839, February 20, 1847, and December 22, 1856.

#### INADEQUATE TITLES

Very frequently laws establishing new counties were given titles wholly inadequate as far as indicating the contents of the acts is concerned. A few examples may serve to illustrate the point. The act of January 12, 1839, was entitled, "An Act to establish the boundaries of Louisa county, and to locate the seat of Justice of the said county, and for other purposes." As a matter of fact this act altered the boundary between Louisa and Slaughter counties. It would have been better if the latter county had been named in the title along with the former. An act approved on January 23, 1839, was entitled, "An act to establish the boundaries of Lee county." Now the boundaries of Lee County *had been established* by an earlier law. The object of this act was really to alter the boundary line between Lee and Des Moines counties. How much more appropriate would the title have been if it had read: "An act to alter the boundary line between Lee and Des Moines counties."

The other acts (one approved on June 5, 1845, and the other on January 14, 1853) altered the boundary line between two counties, yet mentioned only one of them in the title. An act approved on January 25, 1839, was entitled "An Act to establish the boundary lines of Washington county, and for other purposes." The first part of this statement is not accurate, since the act changed the name of Slaughter County to Washington County and then enlarged



its boundaries. This could have been, and should have been, indicated in the title.

To cite only one more example: an act approved on December 22, 1856, was entitled "An Act to create the County of Hamilton." It should have been entitled: "An Act to create and organize the County of Hamilton", for nearly the whole of the act is given up to the organization of the county. Other illustrations could be given; but the examples already cited should be sufficient to prove the inadequacy of the titles of many of the acts whereby the counties of Iowa were established.

#### INADEQUATE BOUNDARY CHANGES

If the titles of the acts under consideration were inadequate, in that they did not always make for clearness, the same may be said of many of the acts themselves, for very frequently a law in defining or enlarging the boundaries of a county gave it territory belonging to some other county without so much as mentioning the name of the county thus deprived of part of its area. On the principle that a later law supersedes an earlier one upon the same subject, in so far as the two conflict, it is *legal* thus to take territory from one county and give it to another; but it would make for clearness and would have a tendency to prevent mistakes if the act doing this would make mention, at least, of the county losing the territory. If this had always been done there could now arise no questions in regard to the intention of the framers of an act, as to whether the transfer of territory was really intended or whether an error had been made in wording the law. Examples of both kinds of acts could be cited.

#### TEMPORARY LAWS

Most of the laws by which counties were erected in Iowa were meant to be permanent and to establish permanent



counties. A few, however, established counties which were expected to be merely temporary,<sup>18</sup> and in a sense these may be called temporary laws. A good example of such a law is the act of February 24, 1847, which created the original county of Pottawatamie.<sup>19</sup>

An example of a temporary law in another sense is the act of December 7, 1836, by the terms of which Des Moines County was subdivided. The last section of this law read as follows: "This act to be in force from and after its passage, and until the end of the next annual session of the Legislative Assembly and no longer." The next session of the legislature referred to adjourned on January 20, 1838. This law, then, was on the statute books only about fourteen months. It is the only act of its class in the whole series.

#### AMENDMENTS

As stated above<sup>20</sup> forty-two legislative acts were passed which dealt with the establishment of Iowa counties. Considerably over half of these were original acts, the others being amendments of the former. This counts as amendatory laws all of those acts by which the boundary lines of counties were altered after they had been once established. Of all the acts which had the force of amendments only five were so labeled, but not all of them in the same way. Of these the act of December 27, 1848, was entitled "An act to amend", etc. This law redefined the boundaries of Lucas and Clarke counties and is clearly amendatory to the act approved on January 13, 1846, by which those counties were created. Two of the five laws were entitled "An act sup-

<sup>18</sup> See above p. 403.

<sup>19</sup> This is the way the county name was spelled in the act. It helps to distinguish between the temporary county and the permanent one to retain this spelling for the former.

<sup>20</sup> See above p. 410.

plemental to an act", etc. Supplemental acts may be classed as amendments. One of these, approved on January 17, 1846, redefined the boundaries of Jasper, Polk, and Dallas counties because of errors made in the act of January 13. The other, approved on February 5, 1851, described anew the boundaries of Guthrie County—possibly because of errors made in the act of January 15, 1851.

The two remaining acts which were labeled as amendments were called "explanatory acts", but there can be no doubt of their falling into this class. One of these, approved on March 11, 1858, dealt with Humboldt County and sought to correct an alleged error in the act of December 1, 1856, by which the county had been created. The second explanatory act was approved on March 22, 1858. It sought to make definite the boundary line between Benton and Tama counties by interpreting the act of February 17, 1843, which had created the two counties. It also redefined the questionable line after having interpreted the earlier law.

The majority of acts which were really amendatory of earlier ones were not so labeled. In this list would fall without question the acts of

January 18, 1838	January 27, 1847
January 12, 1839	January 28, 1847
January 23, 1839	February 3, 1847
February 15, 1844	December 27, 1848
June 5, 1845	January 14, 1853

January 19, 1853

Some few acts were partly amendatory and partly original. A couple of examples will make the matter clearer. The act of January 21, 1839, altered the boundaries of Henry County and also created an entirely new county, Jefferson. The act of February 17, 1843, created nine new counties and altered the boundaries of several others.

## REPEALING CLAUSES

Of all the acts which had the force of amendments only four contained repealing clauses, i. e. clauses specifically repealing all acts or parts of acts which conflicted with the provisions of the amendatory act. Two of those containing such clauses are among the five acts which were labeled as amendments, while two were among the group not so labeled. Confusion and error would have been avoided several times if all acts conflicting with others already on the statute books had contained repealing clauses.

## THE SPELLING OF COUNTY NAMES

The punctuation and style of the laws by which the counties of Iowa were established were often notoriously bad. But while this subject may be passed over, it may be of interest to discuss briefly the spelling of certain county names. The County of "Demoine" was created by act of September 6, 1834. On December 7, 1836, the county was reduced in size and the spelling changed to Des Moines. Very similarly the County of "Musquitine" was established by act of December 7, 1836. On January 18, 1838, it was reduced to its present size and the spelling of the name altered to Muscatine.

In the act of December 21, 1837, the name of "Linn" County was spelled "Lynn" in the table of contents, but, as it was spelled correctly in the body of the law, this could have no serious effect.

Clarke County was created by an act approved on January 13, 1846. Nearly three years later its boundaries were redefined and shifted eastward.<sup>21</sup> In this second act which, of course, superseded the first one, the name of the county was spelled "Clark", without the final "e". But, after all, this was only an error made by the printer of the laws, as

<sup>21</sup> By an act approved December 27, 1848.

reference to the manuscript of the original act proves,<sup>22</sup> and, consequently, did not have the effect of changing the spelling of the county name. In spite of this fact, or, perhaps, rather in ignorance of it, several maps of the period spell the name of this county without the final "e".

One of the counties created by the act of February 17, 1843, was named and spelled "Kishkeekosh". The name of the Indian chief who was honored by this act is correctly spelled with only one "e"—indeed, it was so spelled in the table of contents which was prefixed to the printed laws of 1843. But between a table of contents and the law itself the latter must take precedence. The *legal* spelling of the name of the county until the same was changed to Monroe by the act of January 19, 1846, was, therefore, "Kishkeekosh"<sup>23</sup> although this was an incorrect spelling of the name. In the act which changed the name of the county to Monroe the spelling given was the correct one—"Kishkeekosh".

By the same act of February 17, 1843, several other counties were created among which were Wapello, Keokuk, and Poweshiek. In the manuscript<sup>23</sup> of the original act these names were spelled "Wappello", "Keokuck", and "Poueshiek". The printer corrected the spelling when he came to print the laws. In the original manuscript<sup>24</sup> of the act of January 15, 1851, the names of several counties were spelled as follows: "Pottawatamie", "Wahkow" (now Woodbury), "Pochahontas", "Buna Vista", "Cerro Gorda", "Emmett", and "Audibon". Again the spelling was cor-

<sup>22</sup> See volume for 1848-1849 of the original manuscript acts of the legislature of the State of Iowa in the office of the Secretary of State, Des Moines.

<sup>23</sup> See volume for 1842-1843 of the original manuscript acts of the legislature of the Territory of Iowa in the office of the Secretary of State, Des Moines.

<sup>24</sup> See volume for 1850-1851 of the original manuscript acts of the legislature of the State of Iowa in the office of the Secretary of State, Des Moines.



rected when the laws were printed. If the printer had any authority to make these corrections, well and good; if not then the incorrect spelling of these names is still the legal one.

By the act of January 15, 1851, a county called "Humbolt" was also created. It was blotted out in 1855. The present County of Humboldt was created by act of January 28, 1857. Both counties were undoubtedly named in honor of the great German scientist, the framers of the first law misspelling his name.

The name of Dubuque County, contrary to a popular notion, was never legally spelled "Du Buque"—not even when applied to the temporary county created by the Legislative Council of the Territory of Michigan in 1834.

#### THE PERMANENCE OF COUNTY BOUNDARIES

Of the ninety-nine counties now in existence in Iowa, sixty-three, or nearly two-thirds, received their present boundaries at the time when they were established. In other words, sixty-three have undergone no boundary changes since they were first created. The names of these counties are Adair, Adams, Allamakee, Appanoose, Black Hawk, Boone, Bremer, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Clay, Clinton, Decatur, Delaware, Dickinson, Emmet, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Ida, Iowa, Jackson, Jones, Linn, Lyon, Madison, Mahaska, Marshall, Mills, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Taylor, Union, Wapello, Wayne, Winnebago, Winneshiek, Woodbury, Worth and Wright. In the cases of five of these counties (Wapello, Black Hawk, Cass, Grundy, and Woodbury) the boundaries originally received were defective and remain

imperfect today. Since a defective boundary should not be allowed to remain so, it may be said that fifty-eight counties received permanent boundaries at the time of their establishment. The list of sixty-three counties named above includes five (Dickinson, Emmet, Osceola, Winnebago, and Worth) which were given illegal boundaries by the act of January 15, 1851. They have been included in the list because the Constitution of 1857 which legalized their boundaries did not actually change them in location or otherwise.<sup>25</sup>

Each of the thirty-six counties not named above has had one or more alterations made in its boundaries since it was originally established. This does not include the six counties blotted out later, which might have been, with some reason, included in the list. Before attaining their present size and shape, some of the thirty-six counties under discussion have undergone only one alteration in boundaries, while others have undergone two, three, or even four.

Some of these changes were made to correct errors; but a majority were for other reasons. Some were made indirectly, that is, the boundaries of a county would be altered and the county not be named in the act at all; but in most cases the change was a direct one.

Of the thirty-six counties which did not receive their present boundaries at the time of their establishment, twenty-one did so after one change only. This list includes the counties of Audubon, Buchanan, Chickasaw, Clarke, Clayton, Crawford, Davis, Dubuque, Fayette, Floyd, Guthrie, Howard, Jasper, Jefferson, Lucas, Marion, Mitchell, Monona, Pottawattamie, Tama, and Van Buren. In this list are included Jefferson, Buchanan and Clarke counties, the boundaries of which are defective. In the cases of Jefferson and Buchanan the one boundary change here recognized

<sup>25</sup> For a discussion of this matter see *Dickinson County*, pp. 33 and 34, in the January, 1909, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

was made indirectly and very inadequately. These counties might with some reason have been placed in the former list of counties which have undergone no boundary changes at all. This is especially true of Jefferson County.

The boundaries of nine counties have been altered twice. This group comprises Benton, Henry, Humboldt, Johnson, Keokuk, Lee, Louisa, Warren, and Washington counties. Perhaps Humboldt County should have been placed in the group of counties which have undergone no boundary changes at all. The facts in the case were briefly these. The county was created by an act approved on January 28, 1847. This law probably contained an error. The boundaries were redefined and enlarged by the act of March 11, 1858. Nearly three years later (December 4, 1860) the Supreme Court declared this act unconstitutional, and the boundaries were reduced again. The act of 1858 being illegal, it could be argued technically that the county was never enlarged in 1858 and hence never reduced in 1860.

The three counties of Des Moines, Muscatine, and Polk have undergone in each case three alterations of boundary lines since they were originally established; while the boundaries of three others (Dallas, Kossuth and Webster) have been altered four times. These numerous changes were due to various causes.

#### WHY CHANGES WERE MADE

Sixty changes have been made in boundary lines since the first establishment of counties in Iowa,<sup>26</sup> although only thirty-six counties have been thus affected. The total of sixty is to be accounted for by the fact that some counties have undergone several changes.

<sup>26</sup> In this reckoning every redefinition of a boundary has been counted as one change even though made merely to correct an error and implying no actual shifting of boundary lines.



In possibly ten cases out of sixty the alterations alluded to were made to correct errors found in former laws. These will be discussed in their proper places. The remaining fifty changes, or thereabouts, were made for many different reasons. In some cases alterations were made in order to reduce the size of large counties, or in order to create smaller permanent jurisdictions out of larger ones which were never intended to be other than temporary in character. Thus the temporary counties of Demoine, Dubuque, Buchanan, Benton, Keokuk, Fayette, and Pottawatomie were all divided and reduced after an existence varying from two years in the case of Demoine to ten years in that of Fayette.

By act of January 18, 1838, the boundaries of seven counties were redefined in order to adjust them to the lines of the United States survey which had not been completed when the counties in question were created in 1836. In several cases boundary lines once established have been readjusted in order that rivers might be utilized as boundaries. In illustration of this there may be mentioned the designation of the Skunk River as a boundary between Lee and Des Moines counties by the act of January 23, 1839, and of the Iowa River as a boundary between the counties of Washington and Johnson by the act of June 5, 1845.

In 1855 the boundary lines between Floyd and Mitchell counties and between Chickasaw and Howard were altered, merely it would seem, to make the four counties more nearly equal in size. Other examples could be cited where changes were made in order to equalize counties in size. It is probable that other changes have been made chiefly to get rid of certain county names. Slaughter, Risley, and Yell counties were even blotted out, it is thought, primarily because objections were made to the names.

Still other changes were made for political reasons. In



1847 it is claimed that four townships of Warren County were loaned to Polk in order to aid the town of Fort Des Moines to secure the county seat of the latter county. In 1853 these same townships — Fort Des Moines having won the county-seat — were ceded back by the legislature to Warren County. A similar case arose in 1865 when, by a favorable vote of the people of the two counties concerned, the boundary line between Crawford and Monona counties was moved one township farther west in order to aid Onawa in winning the county-seat of the latter county.

#### INDIRECT CHANGES

To make another comparison, it appears that out of a total of sixty changes forty-six were made directly, by which is meant that the counties concerned were named in the act. On the other hand, in fourteen cases at least alterations were made in county boundaries by which certain counties lost or gained territory, generally the former, indirectly — that is by acts in which the counties affected were not named. A practically complete list of such cases follows:

Cook County lost territory to Johnson by act of December 21, 1837.

Cook County lost territory to Scott by act of December 21, 1837.

Musquitine County lost territory to Johnson by act of December 21, 1837.

Musquitine County lost territory to Scott by act of December 21, 1837.

Slaughter County lost territory to Louisa by act of January 12, 1839.

Johnson County lost territory to Washington by act of January 25, 1839.

Keokuk County lost territory to Washington by act of January 25, 1839.

Buchanan County lost territory to Black Hawk by act of February 17, 1843.

Warren County lost territory to Polk by act of January 17, 1846.

Dallas County lost territory to Guthrie by act of January 15, 1851.

Audubon County lost territory to Guthrie by act of February 5, 1851.

Webster County lost territory to Humboldt by act of January 28, 1857.

Dallas County gained territory from Guthrie by act of February 5, 1851.

Jefferson County gained territory by act of February 17, 1843.

In most cases where a boundary line between two counties was altered both counties affected were named in the law. This is as it should be. Such a practice tends to avoid confusion and to prevent errors. In the cases just cited in the table only one county concerned was named in each law. It is impossible to say at this late day whether each transfer was intentional or not, and consequently when errors were made and when not. To cite an example, the act of January 15, 1851, defined the boundaries of the newly created county of Guthrie in such a way as to overlap those of the older county of Dallas. It is impossible to say whether this was intentional or not. Upon the principle that a later law supersedes any part of an earlier law conflicting therewith, it may be admitted that the change in the boundaries of Dallas County was legal. A repealing clause attached to the act of January 15, 1851, would have made for clearness, or a mention of Dallas County in the law would have assured us that the transfer of four townships to Guthrie County was intentional. As the matter actually stands an error was probably made in this case. At any rate by another

law, approved twenty days later, the boundaries of Guthrie were shifted westward one township. This prompt action seems to prove that the legislature had no intention of taking from Dallas County any of its territory.

The new law of February 5, 1851, was no improvement. Because it also failed to mention Dallas County a doubt arose as to whether the townships temporarily transferred to Guthrie County reverted to Dallas when Guthrie was shifted westward. To the writer it seems that the townships in question did so revert because of the presence of a repealing clause in the act of February 5. The State legislature, however, evidently thought differently; for by an act approved on January 19, 1853, the boundaries of Dallas were defined anew in such a manner as to include the townships in question. A simple mention of Dallas County in the act of February 5, 1851, would have obviated the necessity of passing the act of 1853.

But this is not all. The act of February 5, 1851, was defective in another respect. In shifting the boundaries of Guthrie County westward they were allowed this time to overlap those of Audubon County as defined by the act of January 15, 1851. The name of the latter county was not mentioned in the law, hence we are at a loss to know whether we have here another error or an intentional transfer of territory from Audubon to Guthrie.

Perhaps the most serious changes of county boundaries by indirect method were made in the cases of Buchanan and Jefferson counties by the act of February 17, 1843. This act defined the boundaries of Black Hawk and Wapello counties in terms of Buchanan and Jefferson; but since the boundaries of the latter two counties were assumed to be where they were not, those of all four counties remain defective today. A little more care in defining boundaries would have obviated the present anomalous condition.

## TERRITORIES LEFT OUT

One very interesting result of these numerous adjustments of county boundaries was the occasional omission of territories formerly included within the limits of established counties. From a condition in which such districts enjoyed county government, they were reduced to a condition without such control. The first territory to be omitted in this way was a district south of Cedar County. This district had been a part of Dubuque County but was left out in the cold by the act of December 21, 1837. (See Map III.) The territory in question was given to Muscatine County by the act of January 18, 1838. The omission of the strip in December, 1837, was probably intentional.

The act of January 18, 1838, made two such omissions — one district lying west of Henry County and one west of Van Buren. (See Map V.) The exclusion of these strips was caused by the fact that the act of 1838 was based upon the United States survey, while the act thus set aside had not been. These two territories had since December 7, 1836, belonged to Henry and Van Buren counties respectively. The strip west of Henry County became part of Jefferson County just a year later, while that west of Van Buren was incorporated into Davis County in 1843.

The act of December 21, 1837, created the temporary counties of Fayette, Buchanan, Benton, and Keokuk with very large areas. By act of February 17, 1843, the boundaries of Benton and Keokuk were redefined and the counties reduced to their present size. (See Maps IV and VII.) Parts of their former territories were included within the limits of new counties created at this time but the bulk was excluded without even a word of mention. Most of these areas waited until 1846 or 1851 to be again incorporated within the limits of established counties.

Black Hawk County was located by the act of 1843 west



of Buchanan County, being carved out of the territory of the latter. Buchanan was, presumably, reduced to its present size, the bulk of its territory not being erected into new counties until 1851. Although this region extended clear across Iowa to the Missouri River it receives no mention in the act of 1843. (See Maps IV and VII.) Fayette County was reduced to its present size by the act of February 3, 1847, which law completely ignored the vast remaining territories of the former temporary county. This region, as far as it was included within the present limits of Iowa, was incorporated within new counties by the acts of 1847 and 1851.

It is possible that the four western townships of Dallas County were omitted in a similar manner by the act of February 5, 1851. It has already been explained<sup>27</sup> how by the act of January 15, 1851, Guthrie County was made to overlap Dallas, also how Guthrie was shifted westward by the act of February 5, 1851. In this law nothing was said about the townships omitted from Guthrie's new boundaries reverting to Dallas. It is possible that they are to be considered as excluded territory until specifically added to Dallas by an act of the legislature approved on January 19, 1853.

#### ERRORS IN LAWS

Much has already been said about the errors to be found in the laws by which the counties of Iowa have been established. The reader will have guessed before this that they were quite numerous. It is not necessary, here, to say much more about them. Mistakes are always to be regretted. Those contained in the laws describing county boundaries have caused much confusion.

Sometimes it is practically impossible to determine

<sup>27</sup> See above p. 431.

whether an apparent error was really an error or not. What appears to be a possible mistake may, in reality, have been consciously planned. On the other hand, it is no doubt impossible to locate, at this late day, all the errors which were actually made. Certain reasons for a move may occur to us which were not thought of at the time.

The printed laws contain many errors which when traced back to the original manuscript acts are not to be found therein. These printers' errors — as they may be called — are the simplest of all. On the other hand, the printers have occasionally corrected errors existing in the original manuscript, especially have they sought to correct the spelling of proper names.

#### COUNTIES IMPOSSIBLE TO DRAW

Not all the errors made in the definition of county boundaries were of equal seriousness. While some were of little consequence, others are so serious that it is impossible to draw upon a map the outlines of the counties in the description of the boundaries of which the errors occurred. Sometimes, indeed, the surrounding counties, in the location of which no mistakes were made, would give shape to a county whose boundaries were in error; but this fact should not be allowed to detract from the truth of the statement that it is impossible to draw the boundaries of the county in question upon a map. The list of counties impossible to represent perfectly upon a map because of errors in the definition of their boundaries, together with the laws in which the mistakes were made, is as follows:

Davis as described in act approved on February 17, 1843.

Wapello as described in act approved on February 17, 1843.

Tama as described in act approved on February 17, 1843.

Benton as described in act approved on February 17, 1843.

Black Hawk as described in act approved on February 17, 1843.

Buchanan as affected by act approved on February 17, 1843.

Marion as described in act approved on June 10, 1845.

Warren as described in act approved on January 13, 1846.

Jasper as described in act approved on January 13, 1846.

Polk as described in act approved on January 17, 1846.

Clarke as described in act approved on December 27, 1848.

Cass as described in act approved on January 15, 1851.

Grundy as described in act approved on January 15, 1851.

Wahkaw (now Woodbury) as described in act approved on January 15, 1851.

This does not purport to be a complete list of errors made, but only of those serious enough to affect the map. Of course many of them have been corrected and no longer exist. In several cases one and the same mistake affected two counties. For example, the error made in the act of February 17, 1843, in connection with the boundaries of Black Hawk County affected Buchanan County also. Benton and Tama counties were in a like manner affected by practically the same error. The error in connection with the boundaries of Jasper County was a printer's mistake. Jefferson County is not included in the above list on the ground that the act of February 17, 1843, did not really alter its boundaries.

Pottawatamie County as defined in 1847 might with some reason have been included in the above list. It was omitted, however, because no errors can be said to have been made in the law, although the boundaries were so indefinite that it is practically impossible to draw them. The boundaries of the counties created by the act of December 7, 1836, are also very difficult to illustrate, indeed, they can hardly be drawn with any degree of assurance.

## CORRECTION OF ERRORS

Several errors made in the definition of county boundaries were discovered and corrected by the legislature — sometimes by the sessions which committed the errors, but generally by later sessions. These corrections account for part of the many alterations made in county boundaries. The chief corrections made by the legislature affected the following counties:

Davis County. Error made by act of February 17, 1843; corrected by act of February 15, 1844.

Benton County. Error made by act of February 17, 1843; corrected by act of March 22, 1858.

Tama County. Error made by act of February 17, 1843; corrected by act of March 22, 1858.

Marion County. Error made by act of June 10, 1845; corrected by act of January 27, 1847.

Jasper County. Error made by act of January 13, 1846; corrected by act of January 17, 1846.

Warren County. Error made by act of January 13, 1846; corrected by act of January 28, 1847.

Polk County. Error made by act of January 17, 1846; corrected by act of January 28, 1847.

Dallas-Guthrie County. Error made by act of January 15, 1851; corrected by act of February 5, 1851.

Dallas County. Error made by act of February 5, 1851; corrected by act of January 19, 1853.

Humboldt County. Error made by act of January 28, 1857; corrected by act of March 11, 1858.

In the case affecting both Dallas and Guthrie counties the error affected chiefly the former, while the correction affected chiefly the latter. The law making this correction contained another error, possibly, affecting Dallas County only. The case of Humboldt County is peculiar in that the act of March 11, 1858, which sought to correct a mistake



made in the earlier law of January 28, 1857, was later declared unconstitutional by the Supreme Court.

This brings up a second method of correcting errors in county boundaries, namely, by the courts. In the example of Humboldt County, just referred to, the act of March 11, 1858, sought to interpret the act of January 28, 1857, in such a way as to enlarge the county. A case at law growing out of the second act was carried to the Supreme Court which, in a decision rendered on December 4, 1860, declared the act of 1858 null and void.<sup>28</sup>

By an act approved on May 13, 1870, the legislature established the County of Crocker in the northern part of the present County of Kossuth. The new county was given an area of 408 square miles, although the Constitution of the State declared that no new counties should be created with an area of less than 432 square miles. The constitutionality of the act of 1870 was soon called into question, and upon December 11, 1871, the Supreme Court declared the law invalid.<sup>29</sup> The county of Crocker passed out of existence.

These two cases are the only ones in which the Supreme Court has been called upon to interpret a statute relative to the subject of county boundaries. The law of January 15, 1851, would, undoubtedly, have gotten into the courts if it had not been for the action of the Constitutional Convention of 1857. As established by this act the counties of Bancroft, Dickinson, Emmet, Osceola, Winnebago, and Worth were smaller than the Constitution of 1846 allowed and, therefore, were clearly illegal. Of this fact the Convention of 1857 was aware. As a result the new Constitution,<sup>30</sup> while again limiting the minimum area for new counties to 432 square miles each, made an exception in

<sup>28</sup> *Duncombe vs. Prindle*, 12 Iowa 1.

<sup>29</sup> *Garfield vs. Brayton*, 33 Iowa 16.

<sup>30</sup> Constitution of Iowa, 1857, Article XI, section 2.

favor of Dickinson, Emmet, Osceola, Winnebago, and Worth (Bancroft had been blotted out) counties, allowing their organization with smaller areas.

#### ERRORS NEVER CORRECTED

It has just been shown that many errors made in the definition of county boundaries were discovered and corrected either by the legislature or by the courts. It is to be regretted that all the mistakes made were not discovered. In at least eight cases errors were made which have never been righted. In other words, the boundaries of eight counties are to-day defective. These counties together with the laws which were at fault follow:<sup>31</sup>

Wapello County. Error made by act of February 17, 1843.

Jefferson County. Error made by act of February 17, 1843.

Black Hawk County. Error made by act of February 17, 1843.

Buchanan County. Error made by act of February 17, 1843.

Clarke County. Error made by act of December 27, 1848.

Cass County. Error made by act of January 15, 1851.

Grundy County. Error made by act of January 15, 1851.

Woodbury County. Error made by act of January 15, 1851.

Buchanan County was created by an act approved December 21, 1837, rather than by that of February 17, 1843. By the latter law, however, the County of Black Hawk was carved out of the territory of Buchanan, necessarily cutting it down in size. Certain errors made in the definition of the boundaries of Black Hawk also affect Buchanan County because the two are contiguous.

<sup>31</sup> Through an oversight Clarke County was omitted from this list in the writer's first paper on Iowa Counties.—See pp. 434-435 in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

Neither was Jefferson County created by the act of February 17, 1843, but the boundaries of Wapello County which was established by it, were defined in terms of Jefferson in such a way as to cast doubt upon the actual boundaries of the latter since the passage of that law. If the western boundary of Jefferson County was altered by the act of 1843, it was done in a very cumbersome manner. If it was not altered, then there is a triangular strip of territory between Jefferson and Wapello counties which legally belongs to neither. The eastern boundary of Wapello was left in confusion by the act of 1843.

In the case of Clarke County the southern boundary was extended by the act of 1848 much too far east, making it impossible to draw the eastern boundary. In the last three cases an error in the location of a corner of each county makes two boundaries of each defective. It is to be hoped that the legislature of the State will correct these errors.

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APPROVED	WENT INTO EFFECT	SYNOPSIS OF CONTENTS	WHERE FOUND
Sept. 6, 1834	Oct. 1, 1834	Created Dubuque and Demoiné Counties	Laws Mich. Terr. Vol. III, p. 1326
Dec. 7, 1836	Dec. 7, 1836	Demoiné County subdivided	Laws Wisc. Terr. 1836-38, p. 76
Dec. 21, 1837	Jan. 20, 1838 <sup>32</sup>	Dubuque County subdivided	Laws Wisc. Terr. 1836-38, p. 132
Jan. 18, 1838	Feb. 19, 1838 <sup>32</sup>	Boundaries of counties created by act of Dec. 7, 1836 redefined	Laws Wisc. Terr. 1836-38, p. 381
Jan. 12, 1839	Feb. 11, 1839 <sup>32</sup>	Louisa-Slaughter boundary altered	Laws Iowa Terr. 1838-39, p. 89
Jan. 21, 1839	Jan. 21, 1839	Henry smaller. Jefferson created	Laws Iowa Terr. 1838-39, p. 92
Jan. 23, 1839	Feb. 22, 1839 <sup>32</sup>	Lee-Des Moines boundary altered	Laws Iowa Terr. 1838-39, p. 94
Jan. 25, 1839	Jan. 25, 1839	Name Slaughter changed to Washington and later enlarged	Laws Iowa Terr. 1838-39, p. 100
Feb. 17, 1843	Mar. 19, 1843 <sup>33</sup>	9 new counties created. 2 reduced	Statutes Iowa Terr. 1843, p. 131
Feb. 15, 1844	Feb. 15, 1844	Boundaries of Davis redefined	Laws Iowa Terr. 1843-44, p. 139
Feb. 15, 1844	Never <sup>34</sup>	Madison County proposed	Laws Iowa Terr. 1843-44, p. 142
June 5, 1845	June 5, 1845	Washington-Johnson boundary	Laws Iowa Terr. 1845, p. 66
June 10, 1845	June 10, 1845	Marion County created	Laws Iowa Terr. 1845, p. 93
Jan. 13, 1846	Jan. 13, 1846	12 new counties created	Laws Iowa Terr. 1845-46, p. 73
Jan. 17, 1846	Jan. 17, 1846	Boundaries Jasper, Polk, and Dallas altered	Laws Iowa Terr. 1845-46, p. 75
Jan. 19, 1846	Aug. 1, 1846	Name Kishkekosh changed to Monroe	Laws Iowa Terr. 1845-46, p. 108
Jan. 27, 1847	Feb. 4, 1846	Boundaries of Marion redefined	Laws of Iowa 1846-47, p. 32
Jan. 28, 1847	See note 35	Boundaries of Polk redefined	Laws of Iowa 1846-47, p. 33
Feb. 3, 1847	See note 35	Boundaries of Clayton and Fayette redefined	Laws of Iowa 1846-47, p. 37
Feb. 20, 1847	See note 35	Allamakee and Winneschiek created	Laws of Iowa 1846-47, p. 81
Feb. 24, 1847	See note 35	Ringgold, Taylor, Page, Fremont created	Laws of Iowa 1846-47, p. 114
Feb. 24, 1847	See note 35	Pottawatomie County created	Laws of Iowa 1846-47, p. 115

<sup>32</sup> All foot-notes to table are on p. 443 below.



TABLE OF LAWS RELATIVE TO IOWA COUNTIES

APPROVED	WENT INTO EFFECT	SYNOPSIS OF CONTENTS	WHERE FOUND
Dec. 27, 1848	See note 35	Boundaries of Lucas and Clark altered	Laws of Iowa 1848-49, p. 32
Jan. 15, 1851	See note 35	49 new counties created	Laws of Iowa 1850-51, p. 27
Feb. 5, 1851	See note 35	Boundaries of Guthrie redefined	Laws of Iowa 1850-51, p. 194
Jan. 12, 1853	Feb. 11, 1853 <sup>36</sup>	Names of Waukaw, Risley, and Fox changed	Laws of Iowa 1852-53, p. 28
Jan. 14, 1853	Mar. 1, 1853	Boundaries of Warren and Polk altered	Laws of Iowa 1852-53, p. 40
Jan. 19, 1853	See note 37	Boundaries of Dallas redefined	Laws of Iowa 1852-53, p. 65
Jan. 22, 1853	See note 38	Yell and Risley united into Webster	Laws of Iowa 1852-53, p. 87
Jan. 24, 1855	See note 37	Boundaries of Chickasaw, Howard, Mitchell, and Floyd altered	Laws of Iowa 1854-55, p. 185
Jan. 24, 1855	See note 37	Kossuth and Webster enlarged	Laws of Iowa 1854-55, p. 210
		Bancroft and Humboldt blotted out	
Dec. 22, 1856	Jan. 28, 1857 <sup>38</sup>	Hamilton County carved out of Webster	Laws of Iowa 1856-57, p. 11
Jan. 28, 1857	Mar. 18, 1857 <sup>38</sup>	Humboldt County carved out of Webster and Kossuth	Laws of Iowa 1856-57, p. 199
Mar. 11, 1858	See note 39	Boundaries of Humboldt redefined	Laws of Iowa 1858, p. 49
Mar. 22, 1858	See note 39	Benton-Tama boundary redefined	Laws of Iowa 1858, p. 240
Apr. 2, 1862	May 6, 1862 <sup>40</sup>	General law relative to changing county boundaries	Laws of Iowa 1862, p. 93
Sept. 11, 1862	Dec. 11, 1862 <sup>41</sup>	Name Buncombe changed to Lyon	Laws of Iowa 1862 extra, p. 22
Mar. 28, 1864	Apr. 20, 1864 <sup>40</sup>	General law relative to changing names of counties	Laws of Iowa 1864, p. 109
May 13, 1870	May 17, 1870 <sup>40</sup>	Crocker County carved out of Kossuth	Laws of Iowa 1870, p. 239
Mar. 10, 1874	Never <sup>34</sup>	Belknap County proposed	{ Laws of Iowa 1874, Private, local, and temporary, p. 19
Mar. 17, 1876	Never <sup>34</sup>	Grimes County proposed	Laws of Iowa 1876, p. 156
Mar. 27, 1880	Never <sup>34</sup>	Proposed to alter boundary lines between Polk, Boone, and Story	Laws of Iowa 1880, p. 191

<sup>32</sup> The laws of the Territory of Michigan were adopted by the Territory of Wisconsin, and later by the Territory of Iowa. In the Territory of Michigan laws went into force on the thirtieth day next after approval by the Governor.

<sup>33</sup> See *Statutes of Iowa*, 1843, p. 31.

<sup>34</sup> The changes provided for in these acts were to be submitted to the people of the various counties concerned. In every case the propositions were voted down, hence as far as the rearrangements of boundaries were concerned these acts never went into effect.

<sup>35</sup> If these laws are to be classed as "Private or Local Laws" they went into effect as soon as approved. If they are to be classed as "Public Laws" then they did not go into effect until the acts of the session by which they were enacted had been published and circulated over the whole State. This could not be done until about July 1st.—See Constitution of Iowa, 1846, Article III, Section 27; and *Laws of Iowa*, 1846-1847, p. 202, Resolution No. 21.

<sup>36</sup> These acts took effect twenty days after publication.—See *Code of Iowa*, 1851, Chapter 3, Section 21.

<sup>37</sup> If these acts are "Private or Local Laws" they went into effect on the thirtieth day after approval. If they are to be classed as "Public Laws" they went into effect on the first day of July following their approval.—See *Code of Iowa*, 1851, Chapter 3, sections 20, 21.

<sup>38</sup> Provision was made for the publication of this act in the *Iowa Star*, but a diligent search through the files of that paper has failed to reveal the published act. If published, it took effect on the twentieth day after publication. If not published it falls in the same class as the two acts immediately following it.

<sup>39</sup> If these acts are "Private or Local" they went into effect on the thirtieth day after approval. If they are to be classed as "Public Laws" they went into effect on the fourth day of July following approval.—See *Code of Iowa*, 1851, Chapter 3, section 20. See Constitution of Iowa, 1857, Article III, section 25.

<sup>40</sup> These acts took effect twenty days after publication.—See *Code of Iowa*, 1860, Chapter 3, section 24.

<sup>41</sup> Passed at a special session and took effect ninety days after adjournment.—See Constitution of Iowa, 1857, Article III, section 25.

## SOME PUBLICATIONS

*Primary Elections: A Study of the History and Tendencies of Primary Election Legislation*, by C. EDWARD MERRIAM. Chicago: The University of Chicago Press. 1909. pp. xi, 308.

A renewed interest in popular government has been awakened in the United States within the past quarter of a century through the discussion of and the agitation for primary elections. Democracy, deceived, misguided and misrepresented, is now to come into its birthright, according to the advocates of primary elections, through the general adoption of the State-wide compulsory primary.

Professor Merriam is not exactly a pioneer in the field of primary election legislation, yet he has contributed a valuable service in collecting in systematic form the data relative to the historical evolution of our nominating processes.

Beginning with an introductory chapter on *Early Legislation Regarding Primaries*, the succeeding chapters are devoted to the steps of progress toward complete legal regulation by decades since 1880. In each period some definite step in advance has been taken in some of the States which the author thus summarizes:

"Forty years of primary legislation may be summarized as follows. Starting with unregulated primaries, the advance was made to the prohibition of flagrant offenses such as bribery and illegal voting, or to optional legal regulation and control; then to compulsory regulation; then on to the abolition of the convention system, and the establishment of the direct primary; and finally we encounter the demand for the preliminary non-partisan primary as in Iowa, and for the adoption of a system of nomination by petition only, as in Wisconsin." (p. 136.)

The problems of the primary and its actual workings are well discussed and a chapter on the *Judicial Interpretation of Primary Elections* shows that, in general, the courts have sustained the constitutionality of the primary legislation thus far enacted.

An appendix of 126 pages gives some of the more typical primary election laws in full, some only in part. The *Summary of Present Primary Election Laws* (p. 273) makes a valuable up-to-date source of reference, as most other summaries of this kind have been out of date for some years.

Professor Merriam believes in the primary, but is fair in his treatment of those who do not endorse it.

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*The Proceedings of the State Historical Society of Wisconsin at its Fifty-sixth Annual Meeting.* Madison: Published by the Society. 1909. pp. 272. Portraits.

To one who is not well acquainted with the extensive and varied activities of this great Society the present volume of nearly three hundred pages affords a storehouse of information.

The first pages are devoted to lists of Society officers and members of the library staff, and to the minutes, in a condensed form, of the annual meeting. An appendix contains the executive committee's report treating of many details of library and administrative affairs. The present State appropriation to the Society consists of two separate sums: \$20,000 for administrative and miscellaneous expenses and \$5,000 for books, maps, manuscripts, etc. In addition to this amount must be reckoned the income from four different funds which aggregate \$57,000.

A complete report deals with the various phases of library activity. The library now possesses 307,674 titles. As regards publications, the Society reports eight bulletins, volume VI of reprints and volume XVIII of the Collections, and volume II of the Draper Manuscript series. Other volumes are in the printer's hands.

Under "Administrative Details" is a summarized allusion to the Secretary-Superintendent's participation in meetings of an historical nature. Of much importance to historical societies of the Middle West is the preliminary report of Mr. W. S. Leland, now



the representative at Paris of the Bureau of Historical Research of the Carnegie Institution of Washington. The situation relative to documentary material concerning the Mississippi Valley in the archives at the French capital is clearly stated and outlined.

The work of the Wisconsin Library Commission and Wisconsin Archaeological Society, the Museum, and Doctor Draper's grave also receive attention. Then follow in detail the treasurer's and secretary's fiscal reports, and lists of the donors of books and pamphlets, of miscellaneous map, manuscript and museum accessions, and of periodicals and newspapers currently received at the library. Full reports are also given of local auxiliary societies.

The volume concludes with a series of excellent historical papers presented at the annual meeting. Colonel William F. Vilas and Chief Justice John B. Cassaday, two of the Society's vice-presidents who passed away during the year, are the subjects of papers by Mr. Burr W. Jones and Judge Stevens respectively. Other interesting sketches are those of Julius T. Clark and Nils Otto Tonk, two men closely connected with the early history of Wisconsin, and lastly Mr. Thwaites's study of the world-renowned inventor, Cyrus Hall McCormick. Subjects of a more general nature are *The British Ministry and the Treaty of Fort Stanwix*, and Professor Frederick J. Turner's monograph on *The Old West*, "a programme for study . . . rather than an exposition".

J. VAN DER ZEE

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IOWA CITY

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## AMERICANA

### GENERAL AND MISCELLANEOUS

The March *Bulletin of the New York Public Library* contains an extensive *List of Works Relating to the Mormons*.

*Curaçao, A Losing Colonial Venture*, by Herdman F. Cleland, and *The Relation of Geology to Topography*, by Lawrence Martin, are interesting articles in the March *Bulletin of the American Geographical Society*.

*Bulletin* number fourteen of the Copyright Office contains *The Copyright Law of the United States of America in Force July 1, 1909*.

*Will the Supreme Court Become the Supreme Legislature of the United States?* is the title of an article by Clifford Thorne, which has been reprinted from the *American Law Review*.

*Imprisonment Without Trial* is the title of a pamphlet issued by the Indian Rights Association which deals with the status of the Indian as regards the law and legal processes.

*The Delusion of Militarism* is the subject of an article by Charles E. Jefferson, reprinted in pamphlet form from the *Atlantic Monthly* by the American Association for International Conciliation.

*The Development of the English Law of Conspiracy* is the title of a monograph by James Wallace Bryan, recently published as a number of the *Johns Hopkins University Studies in Historical and Political Science*.

A recently printed booklet gives a description of the McKinley Memorial in Philadelphia, together with a history of the movement and an account of the dedication exercises, including the oration by James M. Beck.

In a pamphlet describing the *Exhibits of the Smithsonian Institution and United States National Museum at the Jamestown Tercentennial Exposition* will be found many interesting facts concerning the early history of America.

The military career of *General Stephen Moylan, Muster-Master General, Secretary and Aide-de-Camp to Washington*, together with sketches of the lives of other members of the Moylan family, is the subject to which is devoted the April number of *The American Catholic Historical Researches*.

The most recently published number of the *West Virginia University Studies in American History* consists of a monograph by James Morton Callahan, entitled, *Evolution of Seward's Mexican Policy*. The Maximilian episode is treated in detail, after a discussion of the Mexican affairs which preceded it.

*The Bulletin of the Virginia State Library* for the months of January-April consists of what is called a *Finding List of History*. In it are listed all the books, pamphlets and articles in publications contained in the Virginia State Library which deal with historical subjects outside of the field of American history.

Volumes thirteen, fourteen and fifteen of the Library of Congress edition of the *Journals of the Continental Congress 1774-1789*, edited by Worthington C. Ford, have been issued from the Government Printing Office within the past few months. These three volumes, which comprise over fifteen hundred pages, cover the proceedings of the Congress for the year 1779.

Under the heading, *Scraps from an Army Woman's Diary*, in the May number of *Uncle Sam's Magazine*, Mary Rippey Heistand writes a sketch of *Old Frontier Days*, which gives an interesting account of army life in the far west in the early days. *How Miles Saved the Day at Chancellorsville*, by J. A. Dapray, and a number of *War Time Episodes*, told by veterans, are also of interest.

*The Passing of the Solid South*, by Enoch Marvin Banks; *The Australian Ballot — Why North Carolina Should Adopt It*, by William H. Glasson; *The Tariff and the Revenue*, by D. A. Tompkins; and *Municipal Government by Commission*, by Charles W. Eliot, may be mentioned as among the interesting articles which make up the April number of *The South Atlantic Quarterly*.

The *Twenty-Second Annual Report* of the United States Commissioner of Labor is devoted to the *Labor Laws of the United States*. The first chapter contains digests and summaries of certain laws affecting labor. The remainder of the volume is given up to a complete statement of all the labor laws of the various States of the Union as they existed when the report was made.

*Senator Allison's Recollections of Public Men*, by Arthur Wallace Dunn, in the May number of *The American Review of Reviews*, is a taste of the storehouse of interesting and valuable material which might have been given the country had the Iowa Senator lived to write the reminiscences which he had planned. *Another Year of Defeat for the American Saloon*, by Ferninand Cowle

Iglehart, is a brief review of the progress of the temperance movement in this country. *How Returning Emigrants are Americanizing Europe*, by Edward A. Steiner, is a suggestive article in the June number of the *Review*.

*The Progress of California* is the title of an address delivered on Charter Day at The University of California by Ambassador James Bryce which is printed in the April number of *The University of California Chronicle*. Among the other articles are: *Stevenson and California*, by Cornelius B. Bradley; *The Child and the Nation*, by Martin V. O'Shea; and *Variety and Unity in Education*, by Alexis F. Lange.

The Boston Book Company has issued its *Annual Magazine Subject-Index for 1908*, compiled by Frederick Winthrop Faxon. The scope of the work has been enlarged, and the present volume includes a subject-index of one hundred and twenty American and English periodicals and society publications, which are for the most part passed over in other works of this character. Historical societies especially will find this index valuable.

The *Fifth Annual Report of the Library Board of the Virginia State Library* contains, besides the various reports on the condition of the library, *A Calendar of Legislative Petitions Arranged by Counties*, prepared by the Department of Archives and History. Petitions from the counties included alphabetically between Accomac and Bedford are here listed. There is also *A Trial Bibliography of Colonial Virginia*, submitted as a special report of the Department of Bibliography.

*Primary Elections: The Test of Party Affiliation*, by Margaret A. Schaffner; *Proportional Representation*, by Roy E. Curtis; *Juvenile Courts*, by Stanley K. Hornbeck; *Telephones: Interchange of Service*, by Laura Scott; *Mortgage Taxation*, by Robert Argyll Campbell; *Municipal Home Rule Charters*, by Margaret A. Schaffner; and *Tenement House Legislation State and Local*, by Ford H. MacGregor, are pamphlets published during the past winter by the Legislative Reference Department of the Wisconsin Free Library Commission.



The March number of the *Political Science Quarterly* opens with a discussion of *The Nature of Political Corruption*, by Robert C. Brooks. Edgar J. Levey writes on *Municipal Socialism and Its Economic Limitations*, in which the conditions in New York City are made the basis of study. Other articles are: *Unionism in the Iron and Steel Industry*, by John A. Fitch; *A Year of Bench Labor Law*, by David Y. Thomas; *The Constitution of Oklahoma*, by Charles A. Beard; and *The Political Capacity of the French*, by James Thomson Shotwell.

*Labor and Wages* is the subject to which the March number of *The Annals of the American Academy of Political and Social Science* is devoted. Various phases of the question are discussed in a number of articles by such well known students of present day problems as Edward T. Devine, Andrew Carnegie, Charles R. Henderson, Alfred H. Stone, and others. *The Child Workers of the Nation* is the subject of discussion in the supplement, in which may be found numerous articles dealing with the child labor evil in all its aspects.

Under the heading, *The Highlanders at Macclesfield in 1745*, in *The Scottish Historical Review* for April there are presented a number of letters, with notes by W. B. Blackie, which relate some incidents of the march of the Jacobite army to Derby and back to Carlisle. *A New Year's Gift for the Whigs* is the title of of a ballad with a note by C. H. Firth. *A Northern Baronial House*, by James Ferguson; *Saint Maolrubha*, by Archibald B. Scott; and *Chronicle of Lanercost*, by Sir Herbert Maxwell, are the remaining contributions to this number of the *Review*.

In view of the recent controversy over the power of the Speaker of the lower house of Congress an article by Asher C. Hinds, in the May number of *The American Political Science Review*, on *The Speaker of the House of Representatives*, is of timely interest. Ernest Bruncken's discussion of *Defective Methods of Legislation* is also well timed and worthy of consideration in these days of dissatisfaction with legislatures. *The Separation of the Races in Public Conveyances*, by Gilbert Thomas Stephenson, is an article which

will be read with the greatest interest in the southern States. Margaret A. Schaffner's *Notes on Current Legislation*; William Bennett Munro's *Notes on Current Municipal Affairs*; a review of the *Present Status of Ballot Laws in the United States*, by Arthur Ludington; an *Index to Recent Literature — Books and Periodicals*; and a list of *Recent Government Publications of Political Interest*, by P. D. Blair, are all of immense value to the student and observer of modern political affairs.

In an article on *The Proposal for a Central Bank in the United States: a Critical View*, in the May number of *The Quarterly Journal of Economics*, O. M. W. Sprague comes to the conclusion that such a bank is neither required nor well suited to relieve our financial ills. Warren M. Persons writes on *The Variability in the Distribution of Wealth and Income*, and Jonathan Thayer Lincoln discusses *The Sliding Scale of Wages in the Cotton Industry*. W. Z. Ripley's study of *Local Discrimination in Transportation* will be found interesting, as will also an article on *Socialism and the Class War*, by John Martin.

In *The Yale Review* for May there are articles on a wide variety of subjects. Luis Garcia Guijarro writes of *Spain Since 1898*, in which he discusses the effects of the war with the United States and the political condition of the country since that time, both as regards internal affairs and foreign relations. Clive Day is the writer of an article on *Industrial Leadership*. Eugene Meyer, Jr., contributes a critical study of *The New York Stock Exchange and the Panic of 1907*. Other articles are: *The Nature of Commercial or Economic Geography*, by Avarad Longley Bishop; and *The Carl-Zeiss-Stiftung, an Attempt to Socialize Capitalism*, by Henry W. Farnam.

A second installment of *The Literature of Colonial Virginia*, by Carl Holliday, is the opening contribution to the March number of the *American Historical Magazine*. The Viscount de Fronsac, in a second chapter on the *Rise of the United Empire Loyalists*, deals with the colonial manors. *Pennsylvania Pioneer Days* is the title given to the copy of an entry found on the fly-leaves of a book

which belonged to John Ormsby, a citizen of Pennsylvania in the years following the American Revolution. Mr. Brigham H. Roberts continues his discussion of *The Origin of the Book of Mormon*; and other continuations are: *Book of Bruce*, by Lyman Horace Weeks; and *Origin and Antiquity of Heraldry*, by Henry White-more.

The family in its relation to the phenomena of society is the main topic of discussion in the March number of *The American Journal of Sociology*. The presidential address on *The Family and Social Change*, delivered by William G. Sumner before the American Sociological Society at Atlantic City, in December, 1908, is the opening number. Other articles are: *How Home Conditions React upon the Family*, by Charlotte Perkins Gilman; *The Effect on Woman of Economic Dependence*, by Charles Zueblin; *The Relations of Social Diseases to the Family*, by Prince A. Morrow; *The Influence of Income on Standards of Life*, by R. C. Chapin; and *Are Modern Industry and City Life Unfavorable to the Family?*, by Charles Richmond Henderson.

#### WESTERN

*A Half Century of Minneapolis* is the title of a recent volume by Horace B. Hudson, which relates in popular style the story of the "Mill City".

*History of the Swedes of Illinois* is the title of a recent book by E. W. Olson, which is a worthy addition to the history of that State.

Volume six number three of *The University of Colorado Studies*, published in April, contains a historical sketch of *The Fenian Movement*, by Clyde L. King.

*True Indian Stories, with Glossary of Indiana Indian Names*, by Jacob Pratt Dunn, is an entertaining addition to the literature of Indian life and customs.

Among the articles in the March-April number of the *Records of the Past* are: *The Via Praenestina*, by Ralph Van Deman Magoffin; *More About the "New Serpent Mound in Ohio"*, by George

Frederick Wright; *The High Artistic Power of Primeval Man*, by D. Gath Whitley; *Traces of a Vanished Race in Kandiyohi County, Minnesota*, by Horatio Gates; and *Another Palaeolithic Implement and Possibly an Eolith from Northwestern Missouri*, by Luella A. Owen.

*Early Detroit: A Sketch of Some of the Interesting Affairs of the Olden Time*, is a very readable and neatly printed little booklet by Clarence Monroe Burton. As the author points out, Detroit is one of the most interesting cities in the United States. Hence every addition to the literature of its history will be welcome.

The fourth publication of the Club for Colonial Reprints of Providence, Rhode Island, is a western item. It contains a facsimile reprint of the *Invitation Serieuse aux Habitants des Illinois by un Habitant des Kaskaskias*, edited with introduction and notes by Clarence Walworth Alvord and Clarence Edwin Carter. The original edition was published at Philadelphia in 1772.

#### IOWANA

*Monthly Utilities Bulletin* is the name of a new Iowa publication issued by the Association of Local Telephone Companies of Iowa.

The proceedings of the ninth annual conference of the Iowa Daughters of the American Revolution form a neat pamphlet of forty pages.

*Glimpses of Abraham Lincoln* is the title of an address delivered by Col. Alonzo Abernethy before the Mitchell County Farmers' Institute, on February 12, 1909.

*When the Wildwood Was in Flower*, by G. Smith Stanton, is a book which contains an account of the author's life on the prairies of Iowa during the sixties and seventies.

The *Thirteenth Report of the Bureau of Labor Statistics for the State of Iowa*, which covers the years 1906 and 1907, has been issued from the office of the State Printer.

In the issue of *The Winterset Madisonian* for April 15, 1909, there is an interesting article on *Forgotten Town Sites of Madison*



*County*, by H. A. Mueller. It was written as a paper to be read before the Madison County Historical Society.

In the May number of the *Iowa Medical Journal* there is a brief *History of Keokuk Medical College and Evolution in Medical Education During that Time*, by George F. Jenkins.

*Semi-Centennial Souvenir of the United Presbyterian Church of Fairfax, Iowa*, is a neatly printed pamphlet containing material of value to the student of the church history of Iowa.

*La législation de l'Etat d'Iowa sur les Hypothèques immobilières* is the title of an article by Charles Noble Gregory, which is reprinted from the *Revue de l'Institut de Droit comparé*.

The Iowa Department of Agriculture is publishing from time to time during the summer months a bulletin called *Greater Iowa*, the purpose of which is to advertise the State Fair.

The *Proceedings* of the fifty-fourth annual meeting of the Iowa State Teachers' Association, which was held at Des Moines during the holidays, forms a volume of nearly two hundred and fifty pages.

*The Golden West*, edited by Sam Small, a new Iowa periodical which launched its initial number this spring, has suspended publication. It was a monthly magazine published at Waterloo, and while it was to a certain extent devoted to the interests of Waterloo and vicinity, it also contained much of general interest.

A number of facts concerning the *Supreme Court and New York Gas Rate* are presented in the April number of *Midland Municipalities*. In the May number are the following articles: *Rates for Water Service*, by Dabney H. Maury; *Profit Sharing in Public Utilities*, by W. H. Winslow; and *Control of Municipal Public Utilities*, by Robert O. Brennan. *Decision in Cedar Rapids Gas Case*, and a brief review of an address by Horace E. Deming, before the National Municipal League, are items in the June number.

Among the articles in the April number of the *Journal of History* published at Lamoni are: *Stockbridge Indians*, by the editor, Heman C. Smith, which contains some extracts from the report of

an early missionary in the Iowa country; continuations of the *Autobiography of Charles Derry*, and of *Brief Glimpses into a Century of the Past*, by Mrs. M. Walker; *Settlement at Mount Pisgah, Iowa*, being a letter from Heman C. Smith to T. P. McGowan; and a *Biographical Sketch of the Life of Elder Thomas Dobson*, by Eli T. Dobson.

In the June number of *The Midwestern* there may be found the fourth installment of *Iowa in the Civil War*, by L. F. Andrews. Under the heading, *Discussion of the Des Moines Plan*, there are presented two papers, one in favor of the plan, by Henry J. Sampson; and the other opposed to it, by W. W. Wise. Another article gives an illustrated account of the statue of the Indian Chief Mahaska unveiled at Oskaloosa on May 12, 1909. This number of *The Midwestern* is especially commendable in that it contains a good amount of material of interest to people outside of Des Moines, and in the absence of portraits and illustrations scattered through articles to which they bear no relation.

## SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Abernethy, Alonzo,

*Glimpses of Abraham Lincoln*. Osage: Published by the author. 1909.

Butler, Ellis Parker,

*Mike Flannery on Duty and Off*. New York: Doubleday, Page & Co. 1909.

Conger, Sarah Pike,

*Letters from China*. Chicago: A. C. McClurg & Co. 1909.

Craven, Roger Carey,

*In the Twilight Zone*. Boston: C. M. Clark Publishing Co. 1909.

Devine, Edward Thomas

*Misery and its Causes*. New York: The Macmillan Co. 1909.

Hutchinson, Woods,

*Instinct and Health*. New York: Dodd, Mead & Co. 1909.

Kirkpatrick, Edwin Ashbury,

*Studies in Development and Learning*. (Archives of Psychology Series.) New York: Science Press. 1909.

*Genetic Psychology: An Introduction to an Objective and Genetic View of Intelligence.* New York: The Macmillan Co. 1909.

Long, Joseph Schuyler,

*Out of the Silence.* Council Bluffs: Published by the author. 1909.

Medbury, Charles S.,

*From Eden to the Jordan: Series of Lessons in the Pentateuch.* Cincinnati: Standard Publishing Co. 1909.

Merriam, Charles Edward,

*Primary Elections.* Chicago: The University of Chicago Press. 1909.

Otis, William Bradley,

*American Verse, 1625-1807: A History.* New York: Moffat, Yard & Co. 1909.

Riggs, James Franklin,

*Next Step in School Legislation.* Des Moines: Published by the author. 1909.

Swem, Leota, and Sherwood, Rowena,

*A Primer of Nursery Rhymes.* Boston: Houghton Mifflin Co. 1909.

Weaver, S. M.,

*Iowa, Its Constitution and Laws.* New York: C. E. Merrill Co. 1909.

Wilcox, Henry S.,

*Joys of Earth.* Chicago: Wilcox Books Concern. 1909.

#### SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

##### *The Register and Leader*

Pioneer Residences of Des Moines. (In each Sunday issue.)

J. W. Ellis Historical Collection at Maquoketa, March 21, 1909.

Kirkwood and the Dodges, by James B. Weaver, March 21, 1909.

Interesting Historical Incidents of the Early Days in Iowa, by L. F. Andrews, March 21, 1909.

Four Des Moines Citizens of Distinction, March 21, 1909.

The Ashworths, Pioneers in Iowa, by L. F. Andrews, March 28, 1909.

- George G. Wright and George W. McCrary, by James B. Weaver, March 28, 1909.
- Captain Albert Head and the Tenth Iowa Volunteers, by L. F. Andrews, April 4, 1909.
- J. J. Richardson — Half Century with One Iowa Newspaper, April 4, 1909.
- Evolution of the Cooking Stove in Iowa, by L. F. Andrews, April 11, 1909.
- Father Coffin's Great Fight for Railroad Trainmen, April 18, 1909.
- George Otis — Fifty Years an Editor, April 18, 1909.
- Early Settlers and First House in Buena Vista County, April 18, 1909.
- Early Days in Le Claire, a Typical Pioneer Iowa Village, April 18, 1909.
- George T. Carpenter, one of Iowa's Pioneer Educators, by L. F. Andrews, April 18, 1909.
- Sketch of life of John F. Hopkins, Pioneer Lawmaker, April 21, 1909.
- Progress in Post-Offices in Des Moines, April 25, 1909.
- John Scott, one of Iowa's Sturdy Pioneers, by L. F. Andrews, April 25, 1909.
- Burlington, Home of Thriving Industry, April 25, 1909.
- Senator Allison's Recollections of Public Men, May 1, 1909.
- Horace E. Teachout, of Des Moines, by L. F. Andrews, May 2, 1909.
- Naming of Iowa Counties, May 2, 1909.
- Jesse P. Farley of Iowa Made Hill's Railroad, May 9, 1909.
- Iowa's Part in the Mexican War, May 9, 1909.
- Names of Iowa Counties, by L. F. Andrews, May 9, 1909.
- Unveiling of Statue to Mahaska at Oskaloosa, May 12, 1909.
- Wheeler W. Carpenter — Des Moines Man Who Killed Iowa Buffalo, by L. F. Andrews, May 16, 1909.
- Sketches of lives of Le Claire Pioneers, May 16, 1909.
- Sketch of life of Amos Noyes Currier, May 17, 1909.
- Mr. and Mrs. S. V. West, Early Settlers in Polk County, by L. F. Andrews, May 23, 1909.



Samuel Saucerman and the Trimmer Clubs, by L. F. Andrews, May 30, 1909.

Lenox College — First College to Put in Chair of Agriculture, May 30, 1909.

Oldest Monument to Civil War Veterans in Country is in Iowa, June 6, 1909.

H. H. Griffiths and Locust Street in 1871, by L. F. Andrews, June 6, 1909.

*The Burlington Hawk-Eye*

Twenty Years Ago. (In each Sunday issue.)

Appreciation of J. W. Blythe, by A. B. Funk, March 18, 1909.

Pioneer Settlers of Jefferson County, Iowa, March 28, 1909.

Old Time Navigators, April 4, 1909.

Des Moines County in History, April 11, 1909.

The Meek Brothers' Mill and the Bonaparte Dam, April 11, 1909.

The Late Smith Thompson, of Mt. Pleasant, April 11, 1909.

J. J. Richardson — Half a Century with an Iowa Newspaper, April 11, 1909.

What the 33rd General Assembly Did, April 13, 1909.

A Memory of Musical Burlington, May 2, 1909.

Local Bars Pays Tribute to J. W. Blythe, May 4, 1909.

William Glyndon, Iowa's Monte Christo, May 14, 1909.

Oldest House in Iowa at Fairfield, May 23, 1909.

Sketch of life of Amos Noyes Currier, May 23, 1909.

The Statue of Mahaska at Oskaloosa, May 23, 1909.

The Late George Orm — Conscientious Citizen, May 23, 1909.

Pella — The Plymouth Rock in Iowa, June 6, 1909.

*The Sioux City Journal*

Twenty Years Ago, and Forty Years Ago. (In each Sunday issue.)

Civil War Anecdotes, related by Iowa Veterans, March 21, 1909.

New Mellary and the Trappist Monks of Dubuque, March 28, 1909.

Bills Passed by the Iowa General Assembly, April 10, 1909.

Mrs. Ann Dickens, of McGregor — Oldest Settler in Iowa, April 11, 1909.

Passing of a Northwestern Iowa Pioneer — William Houston Woods, April 19, 1909.

Senator Allison's Recollections of Public Men, by Arthur Wallace Dunn, May 9, 1909.

Sketch of life of Amos Noyes Currier, May 23, 1909.

*The Dubuque Telegraph-Herald*

Sketch of History of New Mellary Monastery, March 21, 1909.

Alex. Simplot — Oldest Native Iowan, April 4, 1909.

Work Accomplished by the 33rd General Assembly of Iowa, April 11, 1909.

Dennis Ricard — An Iowan 111 Years of Age, April 25, 1909.

Senator Allison's Recollections of Public Men, by Arthur Wallace Dunn, May 3, 1909.

W. T. Shaw — Veteran of Two Wars Died at Anamosa, May 4, 1909.

Sketch of life of Father T. J. Vaughan, May 10, 1909.

History of Dubuque and Dunlieth Railway Bridge, May 30, 1909.

*The Cedar Rapids Republican*

The Buffalo in Iowa, March 18, 1909.

Sketch of life of Samuel Wallace Durham, May 4, 1909.

The Story of an Iowa Farm, May 9, 1909.

Sketch of life of Amos N. Currier, May 18, 1909.

## HISTORICAL SOCIETIES

### PUBLICATIONS

The Historical Department of Iowa has issued a pamphlet containing a revised list of the oil portraits now in its possession.

The January-March number of *The Wisconsin Archeologist* consists of an illustrated monograph on *The Bird-Stone Ceremonials of Wisconsin*, by Charles E. Brown.

The leading article in the April number of *The Medford Historical Register* is one by Eliza M. Gill, entitled *The Pump in the Market Place; and Other Water Supplies of Medford, Old and Modern*.

With the exception of a memoir of the late Joseph Bryan, written by W. Gordon McCabe, the April number of *The Virginia Magazine of History and Biography* is devoted entirely to continuation of documentary material relative to colonial and Revolutionary history.

*Cyrus Hall McCormick and the Reaper*, by Reuben Gold Thwaites, is a twenty-five page reprint from the *Proceedings* of the State Historical Society of Wisconsin for 1908. Other reprints from the same publication are: *The Old West*, by Frederick Jackson Turner; and *The British Ministry and the Treaty of Stanwix*, by Clarence Walworth Alvord.

Continuations of two serials have formed the sole contents of the numbers of the *German American Annals* issued thus far this year. These two careful studies, which when completed will be of much value, are: *Germans in Texas*, by Gilbert G. Benjamin; and *The Settlement of the German Coast of Louisiana and the Creoles of German Descent*, by J. Hanno Deiler.

The State Historical Society of Wisconsin has within the past six months issued a number of bulletins of information. One of them tells of recent acquisitions of labor material, another de-

scribes accessions to the museums, while others are devoted to lists of newspapers and periodicals received by the Society, reports of auxiliary societies, and lists of members.

Contributions of a general character in the April number of *The New York Genealogical and Biographical Record* are: *Clues from English Archives Contributory to American Genealogy*, by J. Henry Lea and J. R. Hutchinson; *Lists of Germans from the Palatinate Who Came to England in 1709*; and a list of *New Brunswick Loyalists of the War of the American Revolution*, by D. R. Jack.

In the *Proceedings of the Bostonian Society at the Annual Meeting, January 12 1909*, may be found a number of addresses and papers, among which may be mentioned: *Historical Museums in a Dozen Countries*, by James F. Hunnewell; and *The Myth of Mary Chilton*, by Samuel Arthur Bent. Under the heading, *Reception of a Portrait of James Otis*, there is also presented some interesting material.

In addition to two continuations the April number of *The South Carolina Historical and Genealogical Magazine* contains an article on *The Luxembourg Claims*, by D. E. Huger Smith, who gives a clear statement of the difficulty over the frigate "South Carolina". Under the heading, *American Prisoners in Mill Prison at Plymouth, in 1782*, there is printed a letter from Captain John Green to Henry Laurens.

Continuations of T. W. Davenport's *Slavery Question in Oregon*, and John Minto's *From Youth to Age as an American*, occupy the greater part of *The Quarterly of the Oregon Historical Society* for December. Under the heading of *Documents* may be found the speech of Senator J. Semple on the abrogation of the treaty of joint occupation of the Oregon country, together with other accompanying papers.

Under the title, *A Quaker Pilgrimage*, William H. Love contributes the journal of a mission to the Indians in 1804, in the March number of the *Maryland Historical Magazine*. Henry P. Goddard writes brief sketches of *Some Distinguished Marylanders I Have*



*Known*; the document known as *Langford's Refutation* is printed from the original in the Bodleian Library; and there is a genealogical sketch of the *Smith Family of Calvert County*, by Christopher Johnston.

The first volume of the *Publications of the Pennsylvania History Club* contains the constitution of the Club, which was organized in 1905, and which consists of persons who have made some worthy contribution to Pennsylvania history, either in the way of research or publication. A brief account is given of the meetings of the Club since its organization, and the remainder of the sixty page booklet is devoted to a *List of Members with their Historical Bibliographies*.

The April number of the *Historical Collections of the Essex Institute* opens with an address on *Abraham Lincoln*, delivered before the Essex Institute on February 12, 1909, by Robert S. Rantoul. Among the continuations are: *Revolutionary Letters Written to Colonel Timothy Pickering*, by George Williams; and *Records of the Vice-Admiralty Court at Halifax, Nova Scotia*. A. W. Greely contributes a genealogical sketch of *Richard Ingersoll and Some of his Descendants*.

In the April number of the *Missouri Historical Review* there may be found an article by James M. Wood, on *The Settlement of Columbia, Mo. — A Type Study*, which deals mainly with the sources of immigration. Harrison A. Trexler writes on *Slavery in Missouri Territory*; there is a continuation of W. S. Bryan's sketch of Daniel Boone, which is devoted to *Daniel Boone's Western "Palatinate"*; and John L. Thomas contributes two articles entitled *Historic Landmarks of Jefferson County*, and *Some Historic Lines in Missouri*.

*The Navy of the Republic of Texas* is the title of an interesting and valuable contribution by Alex. Dienst, which is begun in the January number of *The Quarterly of the Texas State Historical Association*. There is a continuation of Charles W. Ramsdell's *Presidential Reconstruction in Texas*; and a discussion of the *Plan of Stephen F. Austin for an Institute of Modern Languages at San*

*Felipe de Austin*, by Mattie Austin Hatcher, which reveals the pioneer's interest in the educational welfare of the colonists under his care.

*Colonel Hubley's Journal, 1779*, edited by John W. Jordan, and printed in the April number of *The Pennsylvania Magazine of History and Biography*, is a journal of the expedition sent by Washington to punish the hostile Six Nations in western New York. Two contributions which are concluded in this number are: *Thomas Sully's Register of Portraits, 1801-1871*, by Charles Henry Hart; and *Selections from the Military Correspondence of Colonel Henry Bouquet, 1756-1764*, by Helen Jordan. The concluding article is one by John W. Jordan, on the *Moravian Immigration to Pennsylvania, 1734-1765*.

The April number of the *Ohio Archaeological and Historical Quarterly* contains as an opening contribution a sketch of *Me-She-Kun-Nogh-Quah, or Little Turtle, 1783-1812*, by N. B. C. Love. W. H. Mackoy is the writer of an article on *General Benjamin Rush Cowen*. The three articles which follow are connected with the centennial celebration of the death of David Zeisberger, the "Moravian Apostle to the Indians". An account of *The Moravian Records*, by Archer Butler Hulburt, completes this number of the *Quarterly*, except for the proceedings of the twenty-fourth annual meeting of the Ohio State Archaeological and Historical Society, and some editorial notes.

The second volume of the *Publications of the Arkansas Historical Association* is a book of nearly six hundred pages, which contains a great amount of valuable information relative to the history of the State. Among the many papers the following may be mentioned as being of general interest: *A Comprehensive Historical Policy for Arkansas*, by John Hugh Reynolds; *A History of Taxation in Arkansas*, by David Y. Thomas; *The Brooks-Baxter War*, by Benjamin S. Johnson; *The Western Boundary of Arkansas*, by John Hugh Reynolds; *Reconstruction in Arkansas County*, by William Henry Halli Burton; and a report *In Relation to the Pronunciation of the Name "Arkansas"*, by U. M. Rose.

With the April number, which begins volume two, the *Journal of the Illinois State Historical Society* comes out in a new and enlarged form. Not only is the paper of a much better quality, but the typography as well gives evidence of greater care. A number of editorial notes in the opening pages contain many items of interest to the historically inclined citizen of Illinois and the middle west. Then follow an account of *The Annual Meeting of the Illinois State Historical Society*, May 13-14, 1909, and of the celebration of *The Lincoln Centennial*, a number of biographical sketches, and the second and last installment of J. F. Snyder's *Prehistoric Illinois. Certain Mounds Technically Considered*.

A number of papers dealing with various phases of the second war with England may be found in volume eight of the *Proceedings of the New York State Historical Association*. George L. Hawkins writes on *Perry and His Victory*; and L. L. Babcock tells of *The Siege of Fort Erie*; while other titles are: *General Scott at Lundy's Lane*, by George Douglas Emerson; *The Military Career and Character of Major-General Sir Isaac Brock*, by Ernest Cruikshank; and *The Causes and Results of the Failure of the American Campaigns on the Niagara Frontier in the Second War with England*, by Irwin W. Near. Besides these discussions of military episodes there are a number of papers dealing with the local history of New York State.

Volume twelve of the *Collections of the Minnesota Historical Society* is a veritable storehouse of Minnesota history. A few of the titles of the numerous contributions will indicate only partially the value of the volume. Some of the more extended papers are: *A History of the Capitol Buildings of Minnesota, with Some Account of the Struggles for their Location*, by William B. Dean; *History of the University of Minnesota*, by John B. Gilfilian; *Minnesota Journalism from 1858 to 1865*, by Daniel S. B. Johnston; *Causes and Results of the Inkapaduta Massacre*, by Thomas Hughes; *The Dakotas or Sioux in Minnesota as They Were in 1834*, by Samuel William Pond; *Boundaries and Public Land Surveys of Minnesota*, by Nathan Butler.



In view of the recent revival of interest in waterways as a means of transportation, the twelfth volume of the *Buffalo Historical Society Publications* is especially timely and valuable. Henry Wayland Hill is the author of this monograph of over five hundred pages which bears the title, *An Historical Review of Waterways and Canal Construction in New York State*. The writer begins the account with the first use of natural waterways in New York by the Dutch, and carries it down to the close of the canal campaign in 1903. In every respect the volume is to be commended. Scholarship and painstaking care are stamped upon its pages. The make-up and typography and the paper leave little to be desired, and a comprehensive index makes accessible the storehouse of information contained between the covers.

The April number of *The American Historical Review* opens with quite an extended account of the meeting of the American Historical Association at Washington and Richmond last winter. *Normandy Under William the Conqueror*, by Charles H. Haskins, deals especially with the feudal system in Normandy just previous to the Norman conquest of England. Henri Pirenne discusses in an interesting manner *The Formation and Constitution of the Burgundian State*. Two other articles of which the opening installments are here printed are: *English Conspiracy and Dissent, 1660-1674*, by Wilbur C. Abbott; and *The South Carolina Federalists*, by Ulrich B. Phillips. *Father Pierre Gibault and the Submission of Post Vincennes, 1778*, is the title of a contribution by Clarence W. Alvord, given under the head of documents.

The second volume of the *Collections of the State Historical Society of North Dakota* is a book with a total of over seven hundred pages, and is divided into two parts. The first part contains the report of the Secretary and a number of papers dealing with the general and local history of the State. First come *Addresses and Papers Delivered at Annual Meetings of the State Historical Society*. Eight papers follow under the heading of *North Dakota History*. Then comes a *History of Riverside Township, Steele County*, by Myrtle Bemis. *Biography—Sketches of Deceased Members* is the next heading, and following this there is printed



*C. J. Atkins' Logs of Missouri River Steamboat Trips, 1863-1868. Accounts of the Expeditions of Captain Jas. L. Fisk to the Gold Mines of Idaho and Montana, 1864-1866, and a number of articles on the Indians of North Dakota* conclude part one, except for an appendix which contains a discussion of *The Founding of the Catholic Church in North Dakota*, by Rev. John Shanley. Part two is devoted to an illustrated narrative, largely documentary, of the history of *Fort Abercrombie, 1857-1877*, by Orin G. Libby. The whole volume is a creditable addition to the literature of North Dakota history.

Historical societies in the middle west are each year making valuable additions to the materials of the history of the region. A good example may be found in the fourth volume of the *South Dakota Historical Collections*. The first sixty pages are devoted to reports upon the progress and condition of the State Historical Society. Besides a number of memoirs and biographical sketches which follow there may be mentioned the following articles: *The Rescue of Frances Kelly*, by Doane Robinson; *Manuel Lisa*, by Kathryn M. French; *Did the Norsemen Visit the Dakota Country?* by Lars J. Hauge; *The Journal of Charles Le Raye*, edited by Doane Robinson; *The Capture of Sitting Bull*, by E. G. Fechet; the *Autobiography of Louis Dace Letellier*, edited by Constant R. Marks; and *French Pioneers of Sioux City and South Dakota*, by Constant R. Marks. The contribution of most general interest and significance, however, is part two of Charles E. DeLand's monograph on *The Aborigines of South Dakota*, which occupies over four hundred and fifty pages. This part of the monograph is devoted entirely to the Mandan Indians.

#### ACTIVITIES

The New York Historical Society now occupies a splendid new building at 170 Central Park West.

During the six months from November, 1908, to April, 1909, the Buffalo Historical Society gave to its members and the public twenty-seven entertainments, mostly lectures, many of which were illustrated by stereopticon.

The legislature of Montana established a legislative reference bureau in connection with the Montana Historical and Miscellaneous Library.

The Historical Society of Pennsylvania has recently come into possession of a number of war maps used by General Knox in the campaign for the defense of Delaware. Another noteworthy accession is a collection of documents of the Revolution which include records of court martials at Valley Forge.

The Ohio Valley Historical Association has been conducting an investigation of the teaching of local history in the public schools, with a view to making recommendations on the subject. It has also been endeavoring to locate manuscripts relative to Ohio Valley history to be found in the possession of private individuals.

On June 7 the Kentucky State Historical Society held its annual reception commemorative of the day on which Daniel Boone first saw Kentucky. The Society hopes to move into its rooms in the new State capitol during the summer. There is a movement on foot to have the old capitol building repaired, made fire-proof, and presented to the Society as a permanent home. Thus far in advance of the legislature of 1910, however, the outcome can not be predicted.

The State Historical Society of Wisconsin has recently acquired a collection of one hundred and fifty works on art from the library of the late Mrs. Anne R. Sheldon, of Madison. A bundle of the naval papers of Rear Admiral Wilkes is a valuable accession of manuscripts. They consist chiefly of papers, 1801-1845, of William B. Finch (afterwards William C. Bolton) including reports of his visit to the Hawaiian Islands in 1829. The most noteworthy manuscript relating to Admiral Wilkes is the draft of his letter to the Secretary of the Navy reporting the seizure of the steamer Trent, November 8, 1861. The legislature added twelve hundred dollars to the annual support fund of the Society.

On June 15, under the auspices of the South Dakota Department of History, a monument to the "Fool Soldiers", a band of Teton Sioux Indians, who in 1862 rescued a party of captives carried to

the Missouri, was dedicated at the point of rescue near Mobridge, in Walworth County. A monument has also been provided by the Department to mark the site of "Old Fort Sully", four miles east of Pierre, built in 1863 by the Sixth Iowa Cavalry, and abandoned in 1866. This fort must not be confused with the Fort Sully long an important post near the mouth of the Cheyenne River.

A recent acquisition of the Missouri Historical Society is a substantial addition to its collection of Vallé Papers. The Spanish régime is the period covered by this latest accession, and since the Vallé family was very prominent in those days these papers possess a rare value. The Society hopes in the course of a few years to be able to erect a building for itself. A considerable sum of money has been raised for this purpose.

The Arkansas Historical Association has come into possession of the journal of Captain Henry Brockman, who commanded a company of Arkansas infantry during the Civil War. The journal gives an account of the movements of the company, and of the more important conflicts and battles in that State from 1863 to 1865. The most significant work of the Association during the past few months was to secure the enactment of a law creating an Arkansas History Commission. The commission consists of the Chief Justice of the Supreme Court, the Presidents of the State University and the State Normal, and six other members appointed by the governor, all of whom act without salary. There is a salaried secretary, chosen by the commission, who devotes his entire time to the work. The duties of the commission are to care for the archives of the State and other historical collections, to superintend the editing of official records and other source materials, and to encourage historical research in the State.

The Minnesota Historical Society has made distinct progress along all the lines of its activities during the past year, as is shown by the fifteenth biennial *Report* submitted to the legislature in March. The library now contains nearly ninety-five thousand volumes, including a rich collection of Minnesota material and of genealogical literature. The museum has received many interest-

ing acquisitions and additions have been made to the collection of portraits. In the field of research and publication, especially, has the Society been active. Two volumes of the Collections have been published recently, making a total of thirteen volumes in this valuable series. Other publications in preparation include an archaeological history of the State, a volume containing brief biographies of Minnesota men, a book of geographical names, and a detailed history of the Society itself. During the session of the legislature this spring the Society made a determined but unsuccessful effort to secure an appropriation for a historical building.

#### A NEW HISTORICAL SOCIETY

Sognalaget is the name of an organization of immigrants from Sogn, Norway, and their descendants in this country. "Sons of Sogn" counts among its members Governor James Davidson of Wisconsin, State Auditor Iverson of Minnesota, and other persons prominent in educational work, in the church, in politics, in business, and in the Norse settlements throughout the northwestern States. The Sognalaget was permanently organized December 30, 1908, at Albert Lea, Minnesota, with a membership of one hundred and fifty. On June 8-9, 1909, the Society held its first annual meeting at Albert Lea, with the very remarkable attendance of one thousand people. Eight hundred people attended the banquet on June 8, this number being approximately the present membership in the sixth month of the existence of the Society.

Among the objects of the Society will be the investigation of the Sogn dialect, the study of the folk literature and folklore of Sogn, research in Norse-American pioneer history, and the preparation of a history of Norsemen in America and of their influence on American life.

Among the speakers at the annual meeting were Rev. M. Falk Gjetson of Minneapolis, Professor George T. Flom of The State University of Iowa, Dr. Nannestad of Albert Lea, and Rev. Atle Lee of Glenwood, Minnesota. Professor Flom upon special request prepared and presented plans for an extensive investigation into Norse-American history. This plan contemplates, among other



things, the division of the field into four geographical districts each of which will be presided over by a secretary. Professor Flom was unanimously elected Historian, to have general charge of the work. The secretary of the Society is Mr. E. R. Happerstad of Albert Lea, Minnesota.

The objects of this new Society are most praiseworthy, and it is to be hoped that the work begun with such enthusiasm will be carried out earnestly and with thoroughness.

#### THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

The second annual meeting was held at St. Louis, Missouri, June 17-19, 1909. With the exception of the first and the fourth sessions all the sessions were held in the rooms of the Missouri Historical Society. The following is the program which was prepared, and which, with the exception of the papers by Professors F. N. Shipley, Frank H. Hodder, and Roland G. Usher, was given in full:

JUNE 17, 8:30 P. M.

Address of Welcome — Herbert S. Hadley, Governor of Missouri.

Response — Orin Grant Libby, Ph. D., Professor of History, University of North Dakota.

Address — *The Conservation of the Natural Resources of the Mississippi Valley* — Ernest M. Pollard, Former Member of Congress from Nebraska.

JUNE 18, 9:00 A. M.

*The Mississippi Valley as an Ethnological Field*

(a) Upper Mississippi Region — James Mooney, Bureau of American Ethnology, Washington, D. C.

(b) Lower Mississippi Region — John R. Swanton, Ph. D., Bureau of American Ethnology, Washington, D. C.

*Physiography as Related to History in the Mississippi Valley* — Curtis Fletcher Marbut, Ph. D., Professor of Geology, University of Missouri.

*The Study of the Present as an Aid in Interpreting the Past* — Edward Alsworth Ross, Ph. D., Professor of Sociology, University of Wisconsin.

JUNE 18, 2:30 P. M.

*Conference of Historical Societies* — Chairman, Edgar R. Harlan, Acting Curator of the Historical Department of Iowa.

(a) *Applied History* — Benjamin F. Shambaugh, Ph. D., Superintendent of State Historical Society of Iowa.

(b) *Recent Historical Legislation of Arkansas* — John Hugh Reynolds, A. M., Secretary Arkansas Historical Society, and Historical Commission.

- (c) *Marking of Historic Spots in Illinois* — William A. Meese, Moline, Illinois.
- (d) *Plans of the American Archaeological Institute for Work in America* — Professor F. N. Shipley, Washington University.
- (e) *Relation of State and Historical Libraries* — Francis Asbury Sampson, LL. B., Secretary and Librarian State Historical Society of Missouri.

JUNE 18, 6:00 P. M.

Dinner at the Planters Hotel, and reception to members of Mississippi Valley Historical Association, in Hotel Parlors.

JUNE 19, 9:00 A. M.

*Early Banking in Kentucky* — Elmer Cummings Griffith, Ph. D., Professor of History and Political Science, William Jewell College.

*Archaeology of the Mississippi Valley* — William Henry Holmes, Chief of the Bureau of American Ethnology, Washington, D. C.

*First Election of United States Senators in Iowa* — Dan Elbert Clark, Research Assistant, State Historical Society of Iowa.

*The Second Missouri Compromise* — Frank Heywood Hodder, Ph. D., Professor of History, University of Kansas.

JUNE 19, 2:30 P. M.

*Did Coronado see the Missouri River or Reach the Mississippi?* — James N. Basket, Member Missouri Historical Society, St. Louis.

*The Significance of the British Attack on St. Louis in 1780* — James Alton James, Ph. D., Professor of History, Northwestern University.

*Western Sanitary Commission* — Roland G. Usher, Ph. D., Professor of History, Washington University.

*Early Travel and Trade in the Lower Mississippi Valley* — William O. Scroggs, A. M., Assistant Professor of History, Louisiana State University.

The attendance was about as large as at the first annual meeting, the sessions were enthusiastic, and the papers and discussions were unusually interesting and suggestive. The interest which was manifested in the discussion of ethnological and archaeological topics is evidence of the broad scope of the Association's projected activities. The feeling was very apparent that the Association must get entirely away from the old stereotyped conception of history, and include within its field all possible phases of historical work. The Association has a membership of nearly three hundred, and with this body as a nucleus it is hoped to create an interest in the past life of the Mississippi Valley which will do much for the long neglected history of this region.

The need of marking historic sites was especially emphasized, and a resolution was adopted urging all historical agencies in the

Middle West to encourage activity in this direction. Another resolution recommended that Congress be urged to erect a monument to La Salle at the mouth of the Mississippi River, and another to Marquette and Joliet at the mouth of the Wisconsin River. Furthermore, a committee was appointed to do all in its power to encourage and promote the marking of historic sites throughout the valley.

Publication is another feature of the work planned by the Association. The Executive Committee was empowered to appoint a Publication Committee whose duties should be to endeavor to raise funds to begin the publication of a series of collections. The first volume of the transactions of the Association will go to press in the near future.

An automobile trip around the city, a dinner and reception at the Planters Hotel, and a visit to Monk's Mound, or Cahokia Mound as it more commonly called, combined to make the St. Louis meeting a pleasant one socially.

The following officers were elected for the ensuing year: President, Orin G. Libby; Vice President, Benjamin F. Shambaugh; Secretary-Treasurer, Clarence S. Paine; two members of Executive Committee, Dunbar Rowland and Charles E. Brown. Clarence W. Alvord, by virtue of being the retiring President, becomes a member of the Executive Committee, ex-officio.

Invitations were extended to the Association to hold its next annual meeting at Lincoln, Nebraska, Des Moines, Iowa, and Iowa City, Iowa. At this time the Executive Committee has not determined upon the place for holding the next meeting.

#### THE STATE HISTORICAL SOCIETY OF IOWA

Mr. John E. Brindley, of the State Agricultural College, is preparing a *History of Taxation in Iowa*, which will eventually be published by the Society.

Mr. Jacob Van der Zee has been elected to the position of Reference Assistant in the Library of The State University of Iowa for the year 1909-1910. He will continue, however, to devote some time to research work for the Society.

Dr. Benjamin F. Shambaugh and Mr. Dan E. Clark represented the Society at the meeting of The Mississippi Valley Historical Association, at St. Louis, June 17-19.

Mr. Clifford Powell and Miss Ethyl E. Martin, both members of the Society, were the respective winners of the first and third prizes offered by the Iowa Society of the Colonial Dames of America for the best essays in Iowa history.

Mr. Kenneth Colgrove, author of *The Delegates to Congress from the Territory of Iowa*, will do research work under the auspices of the Society during the summer. He has recently been awarded the Jesup prize offered at the State University of Iowa for the best essay on some subject relating to citizenship.

Mr. Louis Pelzer, who for two years has been Research Assistant in The State Historical Society of Iowa, is teaching in the State Normal School at Winona, Minnesota, during the present summer session. He has been elected to the position of Professor of History in the Montana State Normal School for the year 1909-1910.

Mrs. Sarah C. Fellows has donated to the Society a number of valuable books and pamphlets which belonged to her husband, the late Stephen N. Fellows. The Society especially appreciates all such additions to its library because of the association of the books with the men who have helped to build the Commonwealth of Iowa.

Dr. John C. Parish, who for a year has been in Europe on a leave of absence from the Society, has returned to Iowa. While in Europe Dr. Parish spent much time in the archives of France and Spain, searching for material bearing on Mississippi Valley history. He will now resume active connection with the work of the Society.

The following persons have recently been elected to membership in the Society: Mr. C. R. Benedict, Shelby, Iowa; Mr. Geo. L. Schoonover, Anamosa, Iowa; Mr. Thomas D. Foster, Ottumwa, Iowa; Mr. Roger Leavitt, Cedar Falls, Iowa; Miss Merze Marvin, Des Moines, Iowa; Mr. Byron W. Newberry, Strawberry Point, Iowa; Professor Paul F. Peck, Grinnell, Iowa; Miss Sara F. Rice,



Cedar Falls, Iowa; Hon. B. W. Lacy, Dubuque, Iowa; Miss Sara M. Riggs, Cedar Falls, Iowa; and Mr. S. G. Frink, Tipton, Iowa.

Pursuant to law a meeting of the members of the Society was held on the evening of Monday, June 28, 1909, for the purpose of electing Curators for the ensuing biennial period. The following is the list of those elected: M. W. Davis, Peter A. Dey, George W. Ball, J. W. Rich, Euclid Sanders, Laenas G. Weld, Arthur J. Cox, James H. Trewin, and Henry G. Walker. A resolution was adopted instructing the Secretary to send the greetings of the Society to Dr. Josiah L. Pickard, the only living Ex-President of the Society.

## NOTES AND COMMENT

The Iowa Department of the G. A. R. held its annual encampment at Fort Dodge, June 8-10, 1909.

A Bureau of Municipal Research, modelled after the one in New York City, has been established at Cincinnati, Ohio.

The fifteenth annual meeting of the Lake Mohonk Conference on International Arbitration was held on May 19-21, 1909.

A movement has been inaugurated to commemorate the three-hundredth anniversary of the landing of the Pilgrims by a World's Tercentennial Exposition at Boston in 1920.

Professor James A. James, of Northwestern University, has returned from a several months' sojourn in Europe, where he gathered material relative to certain phases of western history.

Professor Frederick J. Turner, of Wisconsin University, delivered the Phi Beta Kappa address during commencement week at The State University of Iowa on the subject of *Pioneer Ideals and the State University*.

The thirty-sixth annual meeting of the National Conference of Charities and Correction was held at Buffalo, New York, during the week ending June 19. Miss Jane Addams, of Chicago, was chosen President of the Conference for 1910.

The workings of tax commissions may be seen in two western States — Wisconsin and Minnesota. The commission in Wisconsin has recently made its fourth biennial report, while in Minnesota the commission is of more recent establishment and made its first report to the last legislature.

The Thirty-Third General Assembly of Iowa appropriated the sum of one thousand dollars to defray the expenses of disinterring the remains of Iowa's first State Governor, Ansel Briggs, and of removing them to his former home at Andrew, Jackson County,

Iowa. The disinterment took place on May 21, and the remains of the old Governor now rest in Iowa soil, beneath a suitable monument. It was chiefly through the efforts of Mr. J. W. Ellis, of Maquoketa, that the appropriation was made.

On Friday, June 11, 1909, the thirty-seventh annual reunion of the Oregon Pioneer Association was held at Portland, Oregon. This association consists of persons coming to, or born in, the original Territory of Oregon prior to the close of the year 1859. Especial interest attaches to the reunion this year in view of the fact that it is the year of the semi-centennial of Oregon's statehood.

The Old Settlers' Association of Cedar County held its annual meeting at Tipton on June 10, 1909. The principal address was given by Mr. B. L. Wick, of Cedar Rapids. This association numbers among its members some of the oldest of the Iowa pioneers. During the past year death took away a large number, some of whom came to the Iowa country while it was yet a part of the Territory of Wisconsin.

The past few months have witnessed the unveiling of a number of monuments in the Mississippi Valley. The service rendered by George Rogers Clark in saving the Old Northwest received recognition recently at Quincy, Illinois, in the erection of a monument. At Chicago on May 16, a tablet in honor of the explorers Marquette and Joliet was unveiled. Among the many Lincoln monuments perhaps the most interesting is the one unveiled at the martyr President's birthplace in Kentucky, on May 31. These instances have been selected among many because of the influence which the men in whose honor the monuments were erected had on the history of the middle west. Within the State of Iowa may also be mentioned the monument to Governor Briggs at Andrew, one to Chief Mahaska at Oskaloosa and one to Company H, 31st Iowa Infantry, at Monticello.

Beginning with the present year the Iowa Society of the Colonial Dames of America will offer three prizes, instead of one as hitherto, for the best essay in Iowa history, written by a student in an Iowa college or university. The first prize is seventy-five dollars, the

second fifty dollars, and the third twenty-five dollars. All of the essays submitted this year were of an unusually high order and the markings were close. Mr. Clifford Powell, a student at the State University of Iowa, won the first prize with an essay entitled, *Contributions of Albert M. Lea to the Literature of Iowa History*. Miss Beulah May Garrard, of Cornell College, came second with an essay on *The Development of County Government in Iowa*. The third prize was won by Miss Ethyl E. Martin, of The State University of Iowa, who wrote on *A Bribery Episode in the First Election of United States Senators in Iowa*. The remaining essays ranked but little below the prize winners, and are worthy of much praise. The Iowa Society of the Colonial Dames is to be congratulated on its success in arousing an interest in Iowa history, and in stimulating the production of so many worthy essays as were submitted this year.

President Roosevelt exhibited a wise foresightedness when he directed the Committee of Department Methods to appoint an assistant committee to make recommendations concerning documentary historical publications of the United States Government. This committee which was composed of some of the most eminent historians in the country has made an extended report covering forty large pages. By way of introduction there is a review of the course pursued by the Government hitherto, showing the lack of method and the extravagance which have prevailed; and a survey of the field of United States history with special reference to the gaps to be filled in official publications. Then follow the recommendations, ending with suggestions for a permanent Commission on National Historical Publications and a draft of a bill creating such a commission. It is sincerely to be hoped the recommendations of this report will be adopted.

SAMUEL WALLACE DURHAM

Samuel Wallace Durham was born on March 7, 1817, at Vallonia, Jackson County, Indiana. He moved to Iowa in 1840; and, with the exception of three years spent on a farm, he made his home at Marion, in Linn County. He was a delegate to the Constitutional



Convention of 1844, of which he was the sole surviving member at the time of his death. From 1843 to 1855 he occupied the office of United States Deputy Surveyor. He made the first plat of the city of Cedar Rapids and laid out the town of Marion, besides surveying a number of the western counties of the State. He held the office of Sheriff in 1846-1847; and at intervals from 1841 to 1895 occupied the position of County Surveyor. Mr. Durham was a Democrat in politics, and from 1841 to 1855 took an active part in political campaigns. He died at his home in Marion on Sunday, May 2, 1909.

#### MARY R. WHITCOMB

Miss Mary R. Whitcomb, who for several years has been Assistant Curator of the Historical Department of Iowa, passed away on April 8, 1909. Miss Whitecomb was born at Grinnell, Iowa, on April 4, 1860. After leaving Iowa College she taught school for many years until her health failed. In 1894 she was appointed to the position of assistant in the State Library, where she remained until 1896, when she was offered the position in the Historical Department which she held at the time of her death.

Since the death of Curator Charles Aldrich probably no one was so thoroughly acquainted with all phases of the work of the Historical Department as was Miss Whitecomb. She was faithful, efficient, and enthusiastic in her work. Not only did she have charge of the library of the Department, but she contributed a number of articles on subjects of Iowa history. She will be greatly missed, not only by those who were associated with her in the work, but by all those who have ever had occasion to experience her kindly helpfulness.

#### AMOS NOYES CURRIER

On May 16, 1909, Dean Amos Noyes Currier, who for over forty years was a member of the faculty of The State University of Iowa, passed away at his home in Iowa City. In his death the State loses a patriotic citizen and an educator beloved by all who knew him.

Dean Currier was born on October 13, 1832, near Canaan, New

Hampshire. After preparatory work at Kimball Academy he entered Dartmouth College, from which he graduated at the age of twenty-four. In 1857 he came west to accept the position of Professor of Ancient Languages in Central College at Pella, Iowa. In 1861 he entered the army and served until the close of the Civil War. Then after two more years spent at Central College he began his long career at the State University. He was Dean of the College of Liberal Arts from 1887 to 1907, when at the completion of forty years of faithful service in the one institution, he retired from active work on the faculty. Up to the time of his death, however, he continued to take a keen interest in all the affairs of the University.

## CONTRIBUTORS

LOUIS PELZER, Research Assistant in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1908, p. 159.)

JACOB VAN DER ZEE, Research Assistant in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for April, 1909, p. 328.)

FRANK HARMON GARVER, Professor of History and Politics in Morningside College. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for July, 1908, p. 500.)

THE IOWA JOURNAL OF HISTORY AND POLITICS  
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VOLUME SEVEN NUMBER FOUR





## A BRIBERY EPISODE IN THE FIRST ELECTION OF UNITED STATES SENATORS IN IOWA <sup>1</sup>

[This paper was awarded one of the prizes offered in 1908 by the Iowa Society of the Colonial Dames of America for the best essays in Iowa history. —EDITOR.]

One of the most interesting political episodes in the early history of Iowa is the case of alleged bribery in connection with the first election of United States Senators. It was in the midst of that exciting election that Mr. Nelson King, a Whig from Keokuk County, arose in the House of Representatives and made the startling announcement that several offers of money and other reward had been made to secure his vote for certain Democratic candidates for the United States Senate.<sup>2</sup> Fascinating in itself, the story of this attempt to purchase the vote of a member of the General Assembly is also significant in that it throws some light on the political history of the period.<sup>3</sup>

In August of the year 1846 the people had adopted a State Constitution, under which Iowa was admitted into the Union on the twenty-eighth day of December.<sup>4</sup> Officers of the new State government and members of the General Assembly were chosen at a general election which was held on the twenty-sixth day of October.<sup>5</sup> It was altogether nat-

<sup>1</sup> Another bribery case in the early history of Iowa is that of Alexander McGregor.— See Parish's *The Bribery of Alexander McGregor* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. III, No. 3, pp. 384-398.

<sup>2</sup> *Journal of the House of Representatives*, 1846-1847, pp. 54-55.

<sup>3</sup> For a general account of the political history of this period see Pelzer's *The History and Principles of the Democratic Party of Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 2, pp. 163-246.

<sup>4</sup> Shambaugh's *History of the Constitutions of Iowa*, pp. 317, 324, 327.

<sup>5</sup> Pelzer's *The History and Principles of the Democratic Party of Iowa*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 2, p. 165.

ural that in the campaign leading up to this first election of members of the General Assembly much interest should center in the question of who would later be chosen to represent the new State in the United States Senate. Indeed, the senatorship was the great political prize that attracted the most ambitious.<sup>6</sup>

The newspapers of the day warned the voters that the election of the United States Senators would depend largely upon the political complexion of the legislature. And so votes for members of the General Assembly were in many cases cast indirectly for a favorite candidate for the United States Senate. The Whigs, being in the minority at this time, were somewhat indifferent. But the energy with which the Whig editors appealed to their party is not to be overlooked. "Let no Whig, who can ride, walk, or be safely hauled, to the polls, fail to record his vote on the 26th", pleaded the Whig editor of *The Iowa Standard*.<sup>7</sup>

The victory of the Democrats in the October election was not unexpected; for since the organization of the Territory in 1838 the followers of Jackson and Jefferson had usually enjoyed a working majority at the polls.<sup>8</sup> As to the composition of the General Assembly the returns showed that the Democrats would have twelve members in the Senate and nineteen in the House; while the Whigs would have seven members in the Senate and twenty in the House.<sup>9</sup> Thus in joint convention the Democrats felt assured of

<sup>6</sup> Pelzer's *Augustus Caesar Dodge*, p. 128.

Two United States Senators were to be chosen by the General Assembly of Iowa at this time.

<sup>7</sup> *The Iowa Standard* (Iowa City), Vol. I, No. 18, October 14, 1846.

<sup>8</sup> Pelzer's *The History and Principles of the Democratic Party in the Territory of Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, No. 1, pp. 3-54.

<sup>9</sup> Clark's *History of the Election of United States Senators from Iowa* (unpublished manuscript).

thirty-one votes; while the Whigs could not count definitely on more than twenty-seven. The coming election of United States Senators promised to be simply a contest between aspiring candidates of the Democratic party.

November 30, 1846, being the day appointed for the meeting of the First General Assembly,<sup>10</sup> the last week of November witnessed a scene of more than usual interest in Iowa City which was then the seat of government. Every tavern and boarding-house was filled to overflowing with interested or curious citizens who had gathered at the capital. Some came to spend a few days of gayety and pleasure with friends; others were there "to see the wheels of the new government set in motion"; but, judging from the "Senatorial and Judge-like faces" which were to be seen about the Old Stone Capitol, it was not difficult to conclude that a large proportion of those who frequented the lobby were either aspiring to become members of the United States Senate or judges of the Supreme Court of Iowa,<sup>11</sup> or that they were "influential friends" of such aspirants.<sup>12</sup>

At the appointed time, and in the midst of an unusual popular interest, the new State government was organized. In the Senate Thomas Baker was elected President;<sup>13</sup> while the choice of Speaker of the House fell to J. B. Browne.<sup>14</sup> On the second day of December occurred the first joint convention of the session. Preceded by their President and other officers, the members of the Senate marched in a body to the Hall of the House of Representatives where they were assigned seats within the bar by order of the Speaker.

<sup>10</sup> *Journal of the House of Representatives*, 1846-1847, p. 3.

<sup>11</sup> Three judges of the Supreme Court were to be chosen at this session.—*Constitution of Iowa*, Article V, Section 2.

<sup>12</sup> From an article which appears in *The Iowa Standard* (Iowa City), Vol. I, No. 25, December 2, 1846.

<sup>13</sup> *Journal of the Senate*, 1846-1847, p. 5.

<sup>14</sup> *Journal of the House of Representatives*, 1846-1847, p. 5.



The two houses having resolved themselves into joint convention, the returns of the votes cast for Governor in the several counties of the State were canvassed.<sup>15</sup> Ansel Briggs, the Democratic candidate, was declared Governor of Iowa. On the following day the oath of office was administered to the first Governor of the State by Chief Justice Mason, in the presence of the members of both houses.<sup>16</sup> Interest now shifted from the ceremonies connected with the inauguration of the State government to the election of United States Senators.

The confidence evinced by the Democratic party immediately after the results of the October election had become known was somewhat shaken when the General Assembly had convened and it was discovered that Senator Huner and Representatives Clifton and Conlee from Lee County had been elected on an independent ticket which had been supported by both Whigs and Democrats.<sup>17</sup> Lee County had for many years been the stronghold of the Democratic party of the State, but there had recently been some trouble over the title to lands in what was known as the "Half Breed Tract", and the difficulty had been carried into politics.<sup>18</sup> The settlers believed that, during his service as Delegate to Congress, Augustus C. Dodge had not favored their interests;<sup>19</sup> and so they were not disposed to support him in his candidacy for the senatorship. Consequently members of both parties joined on what was called a "Set-

<sup>15</sup> *Journal of the House of Representatives*, 1846-1847, pp. 30, 31.

<sup>16</sup> *Journal of the House of Representatives*, 1846-1847, p. 33.

<sup>17</sup> For an account of the election of the legislators from Lee County see Taylor's *The First Territorial Legislature of Iowa* in the *Iowa Historical Record*, Vol. VI, No. 3, p. 519.

<sup>18</sup> *Annals of Iowa*, Vol. IX, No. 4, p. 643.

<sup>19</sup> Augustus Caesar Dodge served as Delegate to Congress from the Territory of Iowa for six consecutive years. His first election occurred on October 5, 1840. A full account of his service as Delegate is found in Pelzer's *Augustus Caesar Dodge*, pp. 73-127.

tlers' Ticket'', with the result that the Whigs elected one Senator and three Representatives, and the Democrats, one Senator and two Representatives. The uncertainty of these three Democratic votes furnished additional interest in the contest. Naturally both parties adroitly marshalled their forces for the capture of the Lee County votes. The ballot of one of the doubtful men in joint convention would make a tie and prevent an election of Senators, and two votes would elect the Democratic candidates.

About this time it was discovered that there had been a division among the Democrats of Keokuk County over the location of the county seat;<sup>20</sup> and as a result two candidates<sup>21</sup> for the House of Representatives had appeared on the Democratic ticket. The Whigs nominated Nelson King who was elected by a plurality.<sup>22</sup> Now the fact that King had been elected in a county which was strongly Democratic, and only by a plurality vote, made him an object of considerable interest to the Democratic members of the legislature. The Whigs, on the other hand, were fully aware of the advantage that King's vote would be to their opponents. Indeed, it is said that for some time Mr. King attracted more attention among the members of both parties in the General Assembly than any other man in the State of Iowa.<sup>23</sup>

The legislature had been in session only nine days, when on the afternoon of December 9, 1846, the House having been called to order, Nelson King, Representative from Keokuk County, arose in his place and asked permission to make a statement before the House.<sup>24</sup> Astonished at his

<sup>20</sup> *History of Keokuk County, Iowa*, p. 407; and *Annals of Iowa*, Vol. IX, No. 4, p. 644.

<sup>21</sup> L. B. Hughes and William Webb.

<sup>22</sup> King received 160 votes; William Webb, 124; and L. B. Hughes, 95.

<sup>23</sup> *History of Keokuk County, Iowa*, p. 407.

<sup>24</sup> *Journal of the House of Representatives, 1846-1847*, pp. 54, 55.

conduct, and curious to know its meaning, the House unanimously granted his request. Amid suppressed excitement King stated that since he had taken his seat as a member of the House he had been approached by several distinct persons in reference to the casting of his vote for United States Senators, and in each case money or other reward had been offered him if he would agree to vote for A. C. Dodge or J. C. Hall.<sup>25</sup> Furthermore, in order to secure him from censure or blame, these persons had promised to obtain a paper<sup>26</sup> signed by his constituents instructing him to vote for Democratic candidates. Moreover, a certain S. T. Marshall,<sup>27</sup> on the preceding evening, had given him two receipts for indebtedness<sup>28</sup> and a five-dollar note on the State Bank of Ohio, promising at the same time that he should have one hundred dollars or any amount that he wanted in the future. Marshall also said that the money belonged to Dodge.

Following Mr. King's statement a committee of five

<sup>25</sup> King's statement appears in the *Journal of the House of Representatives*, 1846-1847, pp. 54, 55.

<sup>26</sup> A statement to the effect that this paper was actually circulated among the voters of Keokuk County appears in the *Annals of Iowa*, Vol. IX, No. 4, p. 645; and also in the *History of Keokuk County, Iowa*, p. 4. But nothing further than the promise to procure the document is mentioned in the *Journal of the House*.

<sup>27</sup> Samuel T. Marshall was a graduate of Oxford College in Ohio, having finished the classical course in 1840. He later studied law under distinguished jurists in Cincinnati and in Lafayette, Indiana. In 1842, he came to Iowa and settled at West Point (then the county seat of Lee County) where he engaged in the practice of law. In 1846, he became a resident of Keokuk.—*Portrait and Biographical Album of Lee County, Iowa*, p. 567.

<sup>28</sup> The following are copies of the receipts, which were handed to the Clerk of the House with the \$5.00 bill:

West Point, November 25th, 1846.

Mr. Nelson King—Sir: Please pay S. T. Marshall, or bearer, two dollars and fifty cents, on my account, and oblige

Yours truly,

WILLIAM STOTTS.

[Endorsed,] Received payment,  
S. T. MARSHALL.



(which was subsequently increased to seven)<sup>29</sup> with full "power to send for persons and papers" was appointed, and the Speaker of the House was authorized to issue his warrant for the arrest of Mr. Marshall. During this procedure a motion was made to the effect that a vote of thanks be tendered to Mr. King for "his honest, high-minded and patriotic conduct" in exposing the attempted bribery to secure his vote for Democratic Senators.<sup>30</sup> The House, however, was not willing to assent to such a resolution prior to a thorough investigation of the case. Some of the members were desirous of having the statement made by Mr. King entirely excluded from the *Journal of the House*, but in this they were overruled.

The arrest of Mr. Marshall was the occasion of an outburst of partisan bitterness. The Whigs were exultant over the exposure of such ignoble maneuvering on the part of the Locofocos; and, on the other hand, the Democrats, who were already incensed, gave vent to their feelings in most drastic opposition. The newspapers of the period reveal the most virulent antagonism on the part of both Whigs and Democrats.<sup>31</sup> Throughout, the treatment of Marshall afforded abundant material for partisan satire.

On the day after the appointment of the investigating committee, Mr. Marshall asked to be allowed to appear

December, A. D. 1846.

I, S. T. Marshall, hereby relinquish all my right, title and claim, or claims, which I may have against Nelson King, for legal services, done heretofore; and this shall be his receipt.

S. T. MARSHALL.

See *Journal of the House of Representatives*, 1846-1847, pp. 55, 471, 472.

<sup>29</sup> The committee consisted of W. J. Cochran, Andrew Leech, S. Whitmore, Alfred Hebard, Robert Smyth, Stewart Goodrell, and John Morton.—See *Journal of the House of Representatives*, 1846-1847, pp. 56, 59, 471.

<sup>30</sup> *Journal of the House of Representatives*, 1846-1847, p. 56.

<sup>31</sup> See *The Iowa Standard* (Iowa City), Vol. I, No. 31, January 20, 1847, and No. 33, February 3, 1847; also *The Bloomington Herald*, Vol. I, No. 30, December 11, 1846, and No. 31, December 18, 1846.



before the House by his counsel, Frederick D. Mills and James Grant. This privilege, however, was not granted since the House could not with propriety hear a case which had previously been delegated to a committee. Throughout the investigation the Democrats protested against the trial of Mr. Marshall by a "secret committee". This, however, was a false charge since all of the sessions of the investigating committee were held with open doors and any one who cared to do so could hear all of the proceedings. The Democrats created considerable disturbance because a certain paper, "purporting to be a protest against the action of the House in relation to the bribery case",<sup>32</sup> was not entered on the *Journal*. Commenting on the attitude of the Democrats, *The Iowa Standard* for February 3, 1847, contains the following:

The members who protested against the action of the House, in the case of S. T. Marshall in custody, on a charge of attempting to bribe Nelson King, the member from Keokuk, greatly misconceived their privileges, in the heat of party zeal. They seemed to have confounded the rights of the liberty of speech, and the liberty of protest. The right of argument, and the right to assign reasons in a protest are certainly very different things.

The first meeting of the investigating committee was held in the Supreme Court Room of the Old Stone Capitol immediately after the adjournment of the afternoon session of the House on December 9th.<sup>33</sup> W. J. Cochran was appointed chairman, and James G. Edwards (editor of the *Hawkeye*) was named as clerk of the committee. Subpoenas were issued summoning, as witnesses in the case, Nelson King, Josiah Clifton, Reuben Conlee, Johnson C. Chapman, William Stotts, and William Patterson. Mr.

<sup>32</sup> *The Iowa Standard* (Iowa City), Vol. I, No. 31, January 20, 1847.

<sup>33</sup> *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 438.

Marshall appeared with counsel; but owing to the absence of witnesses, he was placed in charge of the Sergeant-at-arms and the committee adjourned.<sup>34</sup>

On the following day two additional members were appointed by the House to sit with the committee. A comprehensive set of rules for the governing of the committee was drawn up and signed by the members.<sup>35</sup> The affidavit of Nelson King was read. Then the committee began the taking of evidence. Frederick D. Mills and James Grant acted as counsel for Marshall; and Henry W. Starr<sup>36</sup> appeared in behalf of the State. A. H. Palmer, editor of *The Iowa Capitol Reporter*, acted as an additional clerk.

Nelson King was called as the first witness,<sup>37</sup> whereupon the counsel for Marshall made a request for a specification of charges. To the statement of the charges they objected on the grounds that the specifications were too general and that names of persons were not stated definitely. But these objections were overruled by the committee. Then the chairman called on Mr. King to state what he knew of the attempt at bribery.

From Mr. King's testimony<sup>38</sup> it appears that he was indebted to S. T. Marshall for legal services rendered during his (King's) former residence in Lee County. As soon as Mr. Marshall saw King in Iowa City he asked for the money, but Mr. King replied that it would be almost impossible for him to pay at that time. On two other occasions

<sup>34</sup> *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 438.

<sup>35</sup> This list of rules is given in the *Appendix to the Journal of the House of Representatives, 1846-1847*, pp. 470-471.

<sup>36</sup> Henry W. Starr was a prominent attorney in Burlington at this time.—See Parish's *The Bribery of Alexander W. McGregor* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. III, No. 3, p. 393.

<sup>37</sup> *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 439.

<sup>38</sup> Mr. King's testimony appears in full in the *Appendix to the Journal of the House of Representatives, 1846-1847*, pp. 439-441.

Marshall mentioned the debt, and during the second interview he ventured to inquire concerning whom the Whigs expected to support for United States Senators. Mr. King replied that he did not know whom they were going to support. As for himself, he would prefer to vote for two good Whigs, but he rather expected that a compromise would be effected whereby one Democrat and one Whig would be elected.

Mr. Marshall continued to approach King on the subject of the senatorial election, and in one conversation asked him if one hundred dollars would be of any service to him. King claimed to have evaded this question knowing that "there was something in the wind." The meetings between the two men became more and more frequent, and Marshall seems to have gained more courage.

"Finally, about that time," runs King's testimony, "me and him was in that path between the House of Representatives and the brick tavern. When I met him there he offered me a hundred dollars, and gave me to understand if I would vote for Dodge I should have it. . . . He told me we had plenty of money, and wrote out a pledge rather as I took it. It read about in this form, 'I do hereby agree to cast my vote for A. C. Dodge'. He told me if I would sign that he would give me a hundred dollars, which I refused to do."<sup>39</sup>

Mr. King stated that he then consulted with friends who advised him to accept the money for the purpose of exposing Mr. Marshall. He claims that at first he was afraid to take this advice lest the people should misunderstand his motive. But Mr. Marshall urged the case so strongly that he finally consented to accept the money.

The arguments used by Marshall in his attempts to influence Mr. King are both interesting and suggestive. He

<sup>39</sup> *Appendix to the Journal of the House of Representatives, 1846-1847, p. 440.*



promised King that he should have money and a good office. On this *The Bloomington Herald* comments in most sarcastic terms. "Among other offers made by said Marshall", runs the editorial, "was one which must have been very gratifying to the pride of Mr. King, and shows the idea entertained by Marshall in regard to what constitutes a gentleman. Marshall said they would make a *gentleman* of him (King) if he would just consent to vote for Dodge! Marshall's idea of gentlemen must be fine clothes and 'lots' of cash — Dodge cash." <sup>40</sup>

When, under cross-examination, King was asked why he gave Mr. Marshall to understand that he would vote for Democratic candidates and what his motive was in accepting the money, he stated that it was his "wish to blow all such corruption out of existence." <sup>41</sup>

During the cross-examination of Mr. King by the counsel for Marshall an attempt was made to prove that, during his former residence in Lee County, Mr. King had been a man of questionable character. Charges of "assault with an intent to kill" and of stealing bacon were alluded to. This afforded material for many insulting and humorous remarks on the part of the Democratic press.

As a result of these personal charges an exciting affray took place in the House of Representatives on January 20, 1847,<sup>42</sup> between Mr. King and A. H. Palmer, the editor of the *Reporter*. The House had just adjourned, and a session of the investigating committee was to be held immediately following for the purpose of continuing the cross-examina-

<sup>40</sup> *The Bloomington Herald*, Vol. I, No. 31, December 18, 1846.

<sup>41</sup> *Appendix to the Journal of the House of Representatives*, 1846-1847, p. 442.

<sup>42</sup> Accounts of this affray appear in *The Iowa Standard* (Iowa City), Vol. I, No. 33, February 3, 1847; and in *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.



tion of Mr. King.<sup>43</sup> Palmer, having entered the committee room to confer with the chairman on being excused from attendance at the meeting, was about to leave the room when King started after the editor, overtaking him at the door. Being altogether unprepared for the attack, Palmer was the victim of some well-aimed blows. Indeed, the affair might have been serious had it not been for the intervention of a certain Dr. Matson and other spectators, for King was a typical frontiersman in physique, while Palmer was in fact a very slight and puny man.

A loaded pistol having been wrested from King, the Democrats declared that this was evidence of a premeditated plan on the part of the Whigs to assassinate the Democratic editor.<sup>44</sup> The fact that King was armed, that he had remarked that he had no use for Palmer, and that the Whigs made no effort to stop the fight were the arguments used in support of their suspicions.

That which brought on the affray with Palmer was the publication from time to time of abusive personal articles in the *Reporter* in which Mr. King was denounced — probably with injustice and only for political reasons. Mr. King had borne these insults for some time; but his patience was exhausted when the following paragraph appeared concerning his cross-examination:

Old Hawk intimates that the member from Keokuk is quite illiterate. He says that he is only deficient in literature. Here the old fellow is in error; for his protege is evidently familiar with *Lock* and *Bacon*. At least such is the general impression created by certain passages in his cross-examination.<sup>45</sup>

<sup>43</sup> From the fact that the main evidence was concluded on January 30th, it appears that this was some further examination which does not appear in the *Journal of the House*.

<sup>44</sup> *The Iowa Standard* (Iowa City), Vol. I, No. 33, February 3, 1847.

<sup>45</sup> Quoted from *The Iowa Capitol Reporter* in *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

After the fight Mr. King remarked that he had intended to ignore Palmer's personal remarks until this attack was made on his honesty, when, on the advice of his wife, (in spite of remonstrance from friends) he decided to give Mr. Palmer the chastisement he deserved.<sup>46</sup> While the affair probably amounted to nothing more than an ordinary fist-cuff fight, it is typical of the bitterness which grew out of those "violent ebullitions of party", which were so common during this period of Iowa's political history.<sup>47</sup>

On the following afternoon Mr. King was arrested on the charge of having assaulted Palmer "with a deadly weapon with intent to commit bodily injury, where no considerable provocation appears".<sup>48</sup> Before a large audience Justice Hawkins conducted the trial in the Old Stone Capitol. Carlton and Mills were the counsel for the prosecution and Whicher and Clarke appeared for the accused. The trial was quite tedious, and after several witnesses had been examined the prosecution withdrew the suit since they were unable to sustain their charge.<sup>49</sup> Thereupon Mr. King was released from custody.

Following Mr. King's testimony and cross-examination in the bribery matter several witnesses were examined by the investigating committee, among whom was Johnson C. Chapman, the fireman of the House of Representatives. When asked to state all he knew relative to attempts to bribe any member or officer of the House, Mr. Chapman gave a long and detailed account of an attempt made through him to secure the votes<sup>50</sup> of Representatives Con-

<sup>46</sup> *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

<sup>47</sup> *The Iowa Standard* (Iowa City), Vol. I, No. 33, February 3, 1847.

<sup>48</sup> *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

<sup>49</sup> *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

<sup>50</sup> Johnson C. Chapman's testimony appears in full in the *Appendix to the Journal of the House of Representatives*, 1846-1847, pp. 463-467.

lee and Clifton. Col. William Patterson,<sup>51</sup> the father-in-law of S. T. Marshall, in conversation with Mr. Chapman ventured to ask him if he knew how Clifton and Conlee were going to vote. Mr. Chapman replied that he did not know. In a subsequent conversation, Mr. Chapman mentioned the fact that his presence in Iowa City as fireman of the House of Representatives was due to pecuniary need. Some time later Col. Patterson inquired again concerning the attitude of Representatives Conlee and Clifton on the senatorial election; and at this time he asked if Mr. Clifton could not be induced to vote for A. C. Dodge. Mr. Chapman was not certain that he could influence Mr. Clifton but believed that Clifton would listen to his arguments. Whereupon Col. Patterson assured him that he firmly believed that he (Chapman) could get Mr. Clifton to vote for Dodge. Furthermore, he agreed to relieve Mr. Chapman from his financial difficulties by a loan of \$200 for fifteen, twenty, twenty-five, or thirty years without interest, if Chapman would secure Mr. Clifton's vote for Dodge. "This", Col. Patterson remarked, "would only be right for one friend to do for another." At the same time Mr. Haight<sup>52</sup> attempted to depreciate the value of Mr. Chapman's occupation as fireman by saying that he would probably be paid in State "scrip" worth only about fifty per cent of its face value, and that if he could effect the plan with Mr. Clifton he could have the \$200 to take home with him. In addition to the offers of money, Mr. Haight promised that Clifton should receive a good office. Col. Patterson mentioned the

<sup>51</sup> Col. William Patterson was a member of the first legislature of the Territory of Iowa in 1838. While a member of that body he was influential in settling the difficulty concerning the Missouri-Iowa boundary. He was elected to the legislature of Iowa, both upper and lower house, for nine different sessions; he was also a member of the Constitutional Convention which met in Iowa City in 1857.—*History of Lee County, Iowa*, p. 708.

<sup>52</sup> Mr. Haight was a friend of Col. Patterson.



fact that a number of land offices were to be established soon and that he believed Mr. Clifton to be a man who could be recommended for such a position.<sup>53</sup>

Mr. Chapman agreed to talk with Representative Clifton, but found him very much opposed to Dodge. Col. Patterson then agreed that, in order to show Mr. Clifton that an office would be forthcoming as a reward for his vote, he and his friends would bind themselves in a bond that would assure him that he would get the office. During this conversation Col. Patterson remarked that he had no intention of doing anything wrong if he knew it, and would not ask Mr. Chapman to do so. But, believing that the majority of the people desired the election of Dodge, it would be right to use all "honorable efforts" to get him elected.<sup>54</sup>

It seems that Mr. Chapman's influence amounted to very little, and so Col. Patterson together with two of his colleagues<sup>55</sup> arranged for an interview with Mr. Clifton. Being convinced that his vote could not be secured for Dodge, they tried what seemed to them the only alternative, namely, to persuade him to resign his seat in the House. In order to effect this plan they offered to give him as much money as his salary would amount to during the remainder of the session. The promise of \$200 to Mr. Chapman was renewed for assistance in effecting this plan.<sup>56</sup>

Before the close of his testimony, Mr. Chapman remarked that, when he had mentioned the fact that he thought Mr. Clifton could have \$100 if he would vote for

<sup>53</sup> The facts contained in the above paragraph are taken from Mr. Chapman's testimony as it appears in the *Journal of the House*.

<sup>54</sup> *Appendix to the Journal of the House of Representatives, 1846-1847, p. 465.*

<sup>55</sup> Mr. Haight and Mr. Stotts.

<sup>56</sup> *Appendix to the Journal of the House of Representatives, 1846-1847, p. 466.*



Dodge, Mr. Clifton had replied that he would rather die any death than accept a bribe to do something which he believed to be wrong or against the wishes of his constituents.<sup>57</sup>

The testimony of Nelson King and that of Johnson C. Chapman comprise the main evidence secured by the investigating committee, since the other witnesses merely testified that their knowledge of the case had been received from one or the other of these men. The taking of evidence was concluded, sworn to, and subscribed to on January 30, 1847,<sup>58</sup> but the committee did not report to the House until the fourth day of February.<sup>59</sup> The chairman, Mr. Cochran, made the report which appears as follows in the *Journal of the House*:

The Select Committee appointed under a Resolution of the House of Representatives, on the ninth day of December, 1846, with instructions to inquire and report in regard to an alleged contempt of said House by S. T. Marshall and others in offering bribes, &c. have performed the duty assigned them, and herewith submit the result of their investigations, a journal of their proceedings, in which is embodied the testimony of Nelson King, Johnson C. Chapman, Josiah Clifton, John F. Stanford, Thomas C. Young, William H. Wallace, Stuart Goodrell, and Robert Shelleday, the same being all the testimony to which they could conveniently gain access, they took measures to procure the testimony of several other witnesses, by procuring subpoenas to be served upon them, but who, when called were not in attendance, and could not be conveniently had to testify before your committee; your committee did not deem it necessary that said witnesses should be sent for, as they are satisfied that nothing could be elicited from them further than is testified to by the witnesses examined. Having collected all the testi-

<sup>57</sup> *Appendix to the Journal of the House of Representatives, 1846-1847, p. 466.*

<sup>58</sup> *Appendix to the Journal of the House of Representatives, 1846-1847, p. 470.*

<sup>59</sup> *Journal of the House of Representatives, 1846-1847, p. 236.*

mony deemed material, and having submitted it to the House, your committee ask to be discharged from the further consideration of the matter.<sup>60</sup>

Following the presentation of the report of the committee there was a partial reading of the testimony in the case. The report was considered and concurred in by the House, and the committee was discharged.<sup>61</sup> On Thursday, February 11th, the reading of the evidence was resumed but not concluded since it was finally agreed that the full evidence should be entered on the *Journal* without further reading.<sup>62</sup>

The only action taken by the House against any of the parties as a result of the investigation was on February 25, 1847, when the following resolution was adopted:

Resolved, That Samuel T. Marshall has been proven guilty of a contempt of this House in offering a bribe to one of its members and deserves its severest reprehension.

Resolved: That these resolutions be entered on the Journals of this House, as a public reprimand for said contempt.<sup>63</sup>

A motion was made to amend the resolution so as to include mention of Nelson King as guilty of receiving a bribe. This, however, was disagreed to;<sup>64</sup> and here the bribery episode in the first election of United States Senators terminated. Nelson King served the remainder of his term as a Representative from Keokuk County; and the records show that he attended the extra session of the legislature which was held during January, 1848.<sup>65</sup> Samuel T. Marshall, having been released from custody on a writ of

<sup>60</sup> *Journal of the House of Representatives*, 1846-1847, p. 236.

<sup>61</sup> *Journal of the House of Representatives*, 1846-1847, p. 241.

<sup>62</sup> *Journal of the House of Representatives*, 1846-1847, p. 287.

<sup>63</sup> *Journal of the House of Representatives*, 1846-1847, p. 425.

<sup>64</sup> *Journal of the House of Representatives*, 1846-1847, p. 425.

<sup>65</sup> *Journal of the House of Representatives*, 1848, (Extra Session), p. 3.

*habeas corpus*, returned to his home soon after the investigation began.<sup>66</sup>

A more judicious investigation could have been made and a more definite conclusion reached had the bitter political antagonism of both parties in the legislature not prevented. The Whigs naturally blamed the Democrats for the results declaring that "Without a single exception, the members of the locofoco party in the House . . . threw every obstacle in the way of a thorough and searching investigation. They have acted like men who feared a disclosure of the truth."

As to the senatorial election, the contest was long drawn out. Fearing defeat, the Democrats in the Senate refused for some time to concur with the House in all efforts to hold a joint convention. The Senate, however, after three weeks of stubborn resistance, finally yielded, and on December 18, 1846, the two houses held their first joint convention for the purpose of choosing United States Senators.<sup>67</sup> Silence reigned in the crowded hall of the Old Stone Capitol as Silas A. Hudson, secretary of the convention, called the roll and each member of the legislature voted for his favorite candidate.

When it was found that twenty-nine votes had been cast for Jonathan McCarty, the Whig candidate, twenty-eight for Thomas S. Wilson, the Democratic candidate, and one for Gilbert C. R. Mitchell,<sup>68</sup> members and spectators alike were dumfounded. Investigation showed that while the three doubtful members from Lee County had voted for

<sup>66</sup> *The Iowa Standard* (Iowa City), Vol. I, No. 28, December 23, 1846.

<sup>67</sup> *Journal of the House of Representatives*, 1846-1847, p. 95; *Journal of the Senate*, 1846-1847, p. 58.

<sup>68</sup> *Journal of the House of Representatives*, 1846-1847, p. 95; *Journal of the Senate*, 1846-1847, p. 58.



McCarty, Senator Fullenwider, formerly a loyal Whig, had cast his vote for Mitchell. Thus, since thirty votes on the joint ballot were required for a majority, no election occurred. A scene bordering on panic ensued. The Democrats, fearful lest a second ballot would result in their defeat, called loudly for an adjournment. Order was finally restored by an appeal on the part of Mr. Benton for the retirement of the members of the Senate from the convention.<sup>69</sup> Thereupon the two houses adjourned until January 5, 1847.<sup>70</sup>

During the short recess of the General Assembly, which began on the following day, both parties carefully laid their plans for the election of their respective candidates. In the meantime Senator Huner decided to enter the contest as a Democratic candidate against Augustus Caesar Dodge.<sup>71</sup> He unfolded his plan to Mr. Clifton; for, since Representative Conlee had died during the time of adjournment,<sup>72</sup> it was evident that Huner and Clifton could determine the result on the joint ballot. The Democrats, however, were not inclined to favor Senator Huner's plan.

On January 5, 1847, the House informed the Senate that they were ready to receive the members of the upper house in joint convention for the purpose of electing United States Senators.<sup>73</sup> The appointed hour arrived, but the Senators did not appear. The Democrats, being in control of the Senate and realizing the impossibility of electing their own candidates, had determined to prevent the election of Whigs by refusing to go into joint convention. And so

<sup>69</sup> Clark's *History of the Election of United States Senators from Iowa* (unpublished manuscript).

<sup>70</sup> *Journal of the House of Representatives*, 1846-1847, p. 58.

<sup>71</sup> Clark's *History of the Election of United States Senators from Iowa* (unpublished manuscript).

<sup>72</sup> Reuben Conlee died in Iowa City on December 23, 1846.

<sup>73</sup> *Journal of the House of Representatives*, 1846-1847, p. 110.



throughout the remainder of the session the Senate stubbornly refused to concur with the House in efforts to hold a joint convention.

At the August election in 1847 a Democrat <sup>74</sup> was chosen to fill the vacancy caused by the death of Reuben Conlee. This naturally kindled the hopes of the Democratic party. Governor Briggs called a special session of the legislature for the election of United States Senators.<sup>75</sup> But the Whig majority in the House played the role of the Democrats at the last regular session and refused to go into joint convention with the Senate; and therefore an election was prevented at this special session. Indeed, it was not until December 7, 1848, that an election of Senators occurred, when Augustus C. Dodge and George W. Jones were each chosen by a vote of 38 to 19.<sup>76</sup> Thus, the new State of Iowa was for two years without representation in the United States Senate.

ETHYL E. MARTIN

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

<sup>74</sup> D. S. Baker.

<sup>75</sup> This session convened on January 3, 1848, by order of Governor Briggs's proclamation of December 3, 1847.—See Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 377, 378.

<sup>76</sup> *Journal of the House of Representatives*, 1848-1849, p. 29; *Journal of the Senate*, 1848-1849, pp. 24-25.

## THE BATTLE OF SHILOH

[Iowa has special interest in the battle of Shiloh for several reasons. It had more men in the battle, in proportion to population, than any other State. The Iowa regiments engaged (all infantry) were: Second, Third, Sixth, Seventh, Eighth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth—eleven in all. Besides these, there were three companies from Iowa (F, I, K) in the Twenty-fifth Missouri, which was the regiment that furnished the reconnoitering party sent out on Sunday morning, April 6th.

The Sixth Iowa Regiment claims the distinction of being the first regiment to disembark at Pittsburg Landing, and the Eighth claims the distinction of being the last regiment to retire from the line in the Hornets' Nest. Five Iowa regiments were in the Hornets' Nest and three of the number (Eighth, Twelfth, and Fourteenth) were captured. All of the other Iowa regiments were in the thick of the fight on Sunday, and each maintained the honor of the State.

Before the close of the war there were many promotions of both officers and men from among those engaged at Shiloh, and several attained civil distinction during and after the war. Major Wm. M. Stone (Third Regiment) and Lieutenant Buren R. Sherman (Thirteenth Regiment) served the State as Governors. Sherman served as Auditor of State three terms before becoming Governor. Major W. W. Belknap (Fifteenth Regiment) became Secretary of War, and Lieutenant David B. Henderson (Twelfth Regiment), after long service in the lower house of Congress, became Speaker. Many others engaged in the battle from Iowa served the State in the General Assembly, in Congress, and in other official stations of responsibility.—EDITOR.]

No apology is offered for the appearance of another paper on the Battle of Shiloh, for the reason that the last word to be said on the subject has not been said, and indeed will not have been said until the last serious misrepresentation, made through ignorance, prejudice, malice, or for any other reason, has been corrected. It is not in the thought of the writer that he will be able to contribute additional facts to the literature of the subject; but it is hoped that the facts may be so grouped and illustrated as to leave a clearer picture of the battle in the mind of the reader.

As far as the writer knows the movements of the battle on Sunday, April 6, 1862, have not heretofore been illus-

trated except by means of one general map, showing progressive movements of the battle lines throughout the day. Such a map can be little better than a puzzle-picture to the general reader.

The original map from which the tracings were made to illustrate the Battle of Shiloh was prepared under direction of the Shiloh National Military Park Commission, to accompany its account of the battle, entitled *The Battle of Shiloh and the Organizations Engaged*, compiled from official records by Major D. W. Reed, Historian and Secretary of the Commission. To insure accuracy in the original map, the field was carefully platted by the Commission's engineer, Mr. Atwell Thompson, and the camps and battle lines were located by Major D. W. Reed, after an exhaustive study of official documents, aided by the recollections of scores of officers and men engaged in the battle on the respective sides. The reader must remember, however, that the lines were never for a moment stationary, so that it would be a physical impossibility to represent them correctly at short intervals of time. The analysis here given of the general map published by the Commission, it is believed, will aid materially in understanding the battle.

Though not offering an apology for this paper, the writer is disposed to justify its appearance somewhat by referring briefly by way of introduction, to a few illustrative errors and misrepresentations sought to be corrected, pointing out some of the so-called histories and memoirs where they are to be found. Of course it is not to be presumed that these errors and misrepresentations were intentional: they are due mainly to two causes — to the "smart" newspaper correspondent, whose main object was sensation; and to the unreliable historian whose main weakness was indolence in searching for facts. Prejudice may in a few cases have contributed to the pollution of the historic stream.



Special acknowledgements are due from the writer to Major D. W. Reed, Secretary and Historian of the Shiloh National Military Park Commission, for valuable suggestions in the preparation of this paper. The writer is also under obligations to Lieutenant Wm. J. Hahn of Omaha, Nebraska, a member of the Twenty-fifth Missouri, who was of the Major Powell reconnoitering party, sent out by Colonel Peabody on Sunday morning, April 6th; and also to T. W. Holman of Rutledge, Missouri, who was a member of the Twenty-first Missouri Infantry and was with the regiment when it went out to reënforce the reconnoitering party and the pickets.

#### INTRODUCTION

One of the worst as it was one of the first of the sensational stories of the Battle of Shiloh put in historic form was the account by Horace Greeley in his *American Conflict*. The camp at Pittsburg Landing before the battle is likened to a Methodist campmeeting, and the Union army on Sunday morning is represented as a "bewildered, half-dressed, . . . helpless, coatless, musketless mob", upon which the enemy sprang "with the bayonet". This account has Prentiss's division "routed before it had time to form a line of battle;" and Sherman's division is "out of the fight by 8 o'clock".<sup>1</sup>

J. S. C. Abbott in his story of the Battle of Shiloh as given in his two-volume *History of the Civil War*, gathered his material from the same sensational sources and he used it in the same sensational way as did Mr. Greeley.

A more pretentious work, which appeared much later, was Scribners' *History of the United States* in five volumes. This work appeared after original sources of information had become easily accessible; and yet in its account of the

<sup>1</sup> Greeley's *The American Conflict*, Vol. II, pp. 58-61.



Battle of Shiloh it is the sinner of sinners for untruthfulness. It is no exaggeration to say of the Scribners' account of the battle what General Beauregard is credited with having said of General Halleck's report to the Secretary of War at Washington as to the condition of the Confederate army after the evacuation of Corinth — "it contains more lies than lines".

Another of the sensational type, though of pretentious title, is Headley's *History of the Rebellion*. Headley represents the Union officers as still in bed, when the "inundation" came, and says that "the troops seizing their muskets as they could, fled like a herd of sheep". Unfortunately for the reputation of Mr. Headley as a historian, the facts are all against him — he allowed himself to be misled by the fiction-writers.

John Codman Ropes, who enjoys something of a reputation as a critical writer, in his recent *Story of the Civil War*, published by the Massachusetts Historical Society, shows plainly that he followed very closely the account as given by General Buell, in his *Shiloh Reviewed*; and he shows, also, a prejudiced judgment against Grant and in favor of Buell — whom he evidently admired. Mr. Ropes makes it appear that none of the divisions near the Landing were in line until after Sherman and Prentiss had fallen back from their first lines, about ten a. m. He leaves it to be inferred also that Buell had an entire division on the west side of the river and in the fight on Sunday night; and he figures that not more than five thousand of Grant's five divisions, which were engaged in the battle on Sunday, were in line at the close of the day.

John Fiske is another writer on Civil War subjects, and in his *Mississippi Valley in the Civil War* he describes the Battle of Shiloh, but not without some rather serious errors. For instance he attributes the "wait-for-Buell" policy to

Grant—it was due to his superior, General Halleck. He says that General McClellan was the ranking officer at Pittsburg Landing in General Grant's absence, which is not correct—General Sherman was the ranking officer. He makes no mention of the reconnoitering party that went out from Prentiss's division before daylight on Sunday morning, but says that "when the Confederates attacked in full force on Sunday morning, the Federals were in camp and not in line of battle." On the same page, however, he gives himself a flat contradiction by telling how Prentiss had formed line and advanced a quarter of a mile, where he received "the mighty rush of the Confederates"—and the time he fixes at about half past five o'clock, which is an error of fully two hours.

On one page he gives the strength of the Confederate army as 36,000, exclusive of cavalry, and on another page his "reckoning" is 30,000 on the same basis. He criticises General Johnston for giving so much attention to the divisions of Prentiss and Sherman, at the opening of the battle, when he should have massed heavily against Stuart, the extreme left of the Union line, forgetting, if he ever knew, that Prentiss and Sherman must be forced back before Stuart could be attacked. The plan suggested by Fiske would have exposed the Confederate flank to the two divisions of Prentiss and Sherman, which would have been a blunder. The corps organization of the Confederate army appears, by inference, to have been well maintained; whereas they began to commingle at the beginning of the battle, and the corps were practically broken up by ten o'clock.

Mr. Fiske is again in error in leaving the inference that an entire brigade of Nelson's division was in at the close of the fight on Sunday night. And still another error is the statement that three Confederate brigades participated in the last attack near the Landing. He gives the number of

guns in Grant's last line far below the facts, and then speculates upon what might have been if General Beauregard could have "put 6000 to 8000 fresh reserves into the fight against his weary antagonist", apparently never thinking of the converse of the speculation. Mr. Fiske appears to be particularly unfortunate in the handling of statistics. He makes it appear that Lew. Wallace brought 7000 men to Grant's right, and Nelson about the same number to his left, on Sunday night — an error of 4000 or more. If Mr. Fiske had trusted less to *Shiloh Reviewed* and more to official records, he would have made fewer mistakes.

Henry Villard, who was a newspaper correspondent with Buell's army, has written what he calls "Memoirs", and "in order to impart greater accuracy and perhaps some novelty", to his "sketch" of the Battle of Shiloh, he goes to Confederate reports for his information. His "sketch" abounds in errors, even to the misquoting of one of General Grant's dispatches, thus changing a negative to an affirmative statement.

As recently as 1895 a Brevet Brigadier General, U. S. V., Henry M. Cist, in his *Army of the Cumberland*, quotes approvingly from Comte de Paris's *History of the Civil War* as follows: "At the sight of the enemy's batteries advancing in good order, the soldiers that have been grouped together in haste, to give an air of support to Webster's batteries, became frightened, and scattered. It is about to be carried, when a new body of troops deploying in the rear of the guns . . . received the Confederates with a fire that drives them back in disorder."<sup>2</sup> Mr. Cist quotes also from Whitelaw Reid's *Ohio in the War* as follows: "He [Buell] came into the action when, without him, all was lost. He redeemed the fortunes of the field, and justly won the title

<sup>2</sup> Cist's *The Army of the Cumberland*, pp. 74, 75.



of the "Hero of Pittsburg Landing".<sup>3</sup> Of the second quotation it needs only to be said that its author was the newspaper correspondent who wrote the first sensational and untruthful account of the Battle of Shiloh. The other quotation may well pass for an Arabian Nights tale.

General Lew. Wallace, commanding the second division of Grant's army, having his camp at Crump's Landing six miles down the river from Pittsburg Landing, has left for us his *Autobiography*, which in many respects is an interesting work. But if it is to be judged by its account of the Battle of Shiloh, in which Wallace participated on the second day, the author's reputation as a writer of fiction will not suffer. General Wallace accepts the first stories as to the "complete surprise" of the camp and offers argument to prove the contention. Then he proceeds to upset his own argument by showing that Prentiss and Sherman had their divisions in line of battle before six o'clock, or before the Confederate lines began to move to the attack. He brings the advance of Buell's army on the field some three hours before it was actually there; has General W. H. L. Wallace mortally wounded about the same length of time before the incident occurred; has General Johnston killed in front of the Hornets' Nest. He credits the men in the Hornets' Nest with holding the position "for two or three hours", whereas it was "held" from about 9:30 a. m. to about 5:30 p. m. "against the choicest chivalry of the South, led by General Johnston himself", to quote General Wallace. In fact, General Johnston led no assault upon the Hornets' Nest, or upon any other position in the Union line. These are a few of many fictions in Wallace's *Autobiography*, where, of all places, the truth should be found.

Had it been true that the position at the Hornets' Nest

<sup>3</sup> Cist's *The Army of the Cumberland*, p. 77.



was held "for two or three hours" only, Grant's center would have been broken while Nelson's division was still ten miles away, and about the hour when Wallace's division started on its fifteen mile march. In that event, the story of the Battle of Shiloh would have been a different story. Grant's army would, probably, have been defeated, and Buell's army then strung out over thirty miles of country road, might easily have suffered the same fate. Fortunately, General Wallace was writing fiction.

At the risk of tediousness one more writer on the Battle of Shiloh will be mentioned. General Buell, who participated in the battle of the second day, in a carefully prepared paper, entitled *Shiloh Reviewed*,<sup>4</sup> takes the position of an advocate before a court and jury, stating what he expects to prove, then marshalling his facts — or fictions, as the case may be — to make good his contention. He opens his case with the following proposition: "At the moment near the close of the day when the remnant of the retrograding army was driven to refuge in the midst of its magazines, with the triumphant enemy at half-gun-shot distance, the advance division of a reënforcing army arrived . . . . and took position under fire at the point of attack; the attacking force was checked, and the battle ceased for the day." The reader, not familiar with the facts, must necessarily draw two inferences from this statement: (1) that an entire division of Buell's army was "at the point of attack"; (2) that the presence of such a body of fresh troops decided the fate of the day. Both inferences are erroneous, as the facts will show.

On one point of some importance, General Buell flatly contradicts himself. In speaking of the attack near the Landing, Sunday night, he says, in *Shiloh Reviewed*, that

<sup>4</sup> *The Century Magazine*, Vol. XXXI, p. 749.

the "fire of the gunboats was harmless". In his official report written just after the battle, he says that the "gunboats contributed very much to the result"—the repulse of the enemy.

Perhaps a perfectly fair and unprejudiced account of the Battle of Shiloh ought not to have been expected from the pen of General Buell. He had, or fancied that he had, grievances against both General Grant and General Halleck — and he was human.

#### THE BATTLE OF SHILOH NOT AN ISOLATED INCIDENT

The Battle of Shiloh was not an isolated incident: it was one of a series of incidents, more or less closely related, in which the Army of the Tennessee figured prominently and effectively, but with divided responsibilities. It is, therefore, proper to take into account conditions precedent to the battle before passing judgment upon the men and the commanders who happened to be present at the moment, and upon whom fell the immediate responsibilities, and who suffered for the shortcomings of others. The Army of the Tennessee was at Pittsburg Landing under the orders of an officer superior in rank to the officer in immediate command; and it was there for a definite purpose. If it did not accomplish the definite purpose, it may be answered, in extenuation at least, that it was not permitted to try — its hands were tied and it was ordered to "wait". It waited until compelled to fight for its own safety. It saved itself from defeat and, very probably, saved from destruction another army of equal strength.

It is of no consequence who first suggested the line of the Tennessee and Cumberland rivers as the weak point in the Confederate line between Columbus on the West and Bowling Green on the East. It would have been a reflection on military genius, if the suggestion had not come to several

persons at about the same time — so patent was the evidence. It is of some importance, however, to remember who made the first move to save the “weak point”. Just seven months before the Battle of Shiloh (September 6, 1861), the first direct step was taken leading to that event.

On September 4, 1861, General Grant took command of the Cairo district with headquarters at Cairo, General Fremont being then department commander with headquarters at St. Louis. On the day after taking command of the district, General Grant learned of an expedition from Columbus to occupy Paducah at the mouth of the Tennessee. A force was at once prepared to anticipate the Confederate movement; a dispatch was then sent to headquarters that the force would move at a certain hour unless orders were received to the contrary. No order came back, and Paducah was occupied without firing a shot on the next morning much to the surprise of the inhabitants who were hourly expecting the Confederates then on the march. General Grant returned to Cairo on the same day, finding there the order permitting him to do what was already done. The same movement that saved the Tennessee saved also the Cumberland.

Except for this prompt action on the part of General Grant the mouths of these two rivers would surely have been strongly fortified; but, instead, the Confederate line was forced back a hundred miles, in its center, to Fort Henry on the Tennessee and Fort Donelson on the Cumberland (Map I).

Columbus, a few miles below Cairo, strongly fortified and garrisoned by the Confederates, was so situated that it might, unless threatened from Cairo and Paducah, throw troops either west into Missouri or east by rail to Bowling Green or to points within easy marching distance of Fort Henry and Fort Donelson as there might be need. As a



result of these conditions, there was activity in Grant's district, during the fall and winter months of 1861. The battle of Belmont (Nov. 7, 1861) was one of the "diversions" to keep the garrison at Columbus at home. In the following January, General Halleck having become department commander, expeditions were sent out from Cairo and Paducah to the rear of Columbus and up the west bank of the Tennessee — General C. F. Smith commanding the latter expedition. General Smith, having scouted as far toward Fort Henry as he thought advisable, went on board the gunboat Lexington "to have a look" at the Fort. The gunboat went within "about 2½ miles . . . drawing a single shot from the enemy . . . in response to four several shots fired at them." In his report (Jan. 22, 1862) to General Grant, General Smith said: "I think two iron-clad gunboats would make short work of Fort Henry."<sup>5</sup>

On the same day that General Smith reported on Fort Henry, General Grant was given "permission to visit headquarters" in response to a request made some time before — but he soon learned that advice and suggestions in regard to affairs in his district were not wanted, and he went back to his command. He ventured, however (Jan. 28th) to send the following to his superior: "With permission, I will take Fort Henry . . . and establish and hold a large camp there."<sup>6</sup> Permission was granted on the 30th, and Grant was "off up the Tennessee" (February 2nd).

Except for this appeal for "permission" to take Fort Henry, backed by the advice of Flag-Officer Foote, commanding the gunboat flotilla, the expedition would have been delayed at least two weeks, giving that much more time for the Confederates to strengthen themselves. On

<sup>5</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 561.

<sup>6</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 121.



the day after the surrender of Fort Henry (February 6) Halleck telegraphed to Buell that he "had no idea of commencing the movement before the 15th or the 20th instant".<sup>7</sup> And he was evidently very uneasy about the success of the movement, as appears from a dispatch sent to the General-in-Chief (McClellan), at Washington at the very moment when Foote's guns were pounding at the little mud fort. The dispatch was as follows: "If you can give me . . . 10,000 more men, I will take Fort Henry, cut the enemy's line, and paralyze Columbus. Give me 25,000 and I will threaten Nashville . . . so as to force the enemy to abandon Bowling Green without a battle."<sup>8</sup> Before that dispatch was received in Washington the thing was accomplished by a gunboat bombardment of an hour and fifteen minutes at Fort Henry.

Notwithstanding the fact that the expedition against Fort Henry was undertaken before Halleck was ready for it and the fact that he had misgivings as to its success, he yet seems to have been jealous lest Buell might share in the honors in case of success. When Buell learned of the movement, which was undertaken without consultation with him, he telegraphed Halleck to know if "co-operation" on his part was "essential to . . . success," to which Halleck replied: "Co-operation at present not essential."<sup>9</sup> Buell was piqued at Halleck's reply, and telegraphed to the General-in-Chief: "I protest against such prompt proceedings, as though I had nothing to do but command 'Commence firing' when he starts off."<sup>10</sup>

This episode is mentioned only for the purpose of showing that there were personal complications between these

<sup>7</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 593.

<sup>8</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 587.

<sup>9</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, pp. 574, 576.

<sup>10</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 933.

three commanders that, possibly, had some bearing on the Battle of Shiloh. The affairs of the succeeding three weeks, after Fort Henry, did but complicate the complications, and upon General Grant fell the unfavorable results.

No person was more surprised than was General Halleck at the success of the expedition to Fort Henry, but he continued to appeal to the General-in-Chief for "more troops" while Grant was preparing to advance upon Fort Donelson and after the investment of that place: (February 8th) without more troops, "I cannot advance on Nashville"; (February 10th) "Do send me more troops. It is the crisis of the war in the West"; (February 14th) "Can't you spare some troops from the Potomac?"<sup>11</sup>

Two days after the last appeal, Fort Donelson surrendered, and Clarksville and Nashville waited only to be "occupied". They were occupied, respectively, on the 21st and 25th, without opposition. Nashville was occupied by Nelson's division of Buell's army which was sent to reinforce Grant at Donelson; but, arriving too late, it was sent directly forward to Nashville by order of Grant, the latter following in person for the purpose of conferring with Buell — and this last move came near being the undoing of General Grant who mortally offended his superior by pushing the campaign too rapidly, arousing at the same time the jealousy of Buell by occupying Nashville just ahead of his [Buell's] army approaching from the North. General Grant was in "ahead of the hounds", at Nashville — that was his only offense.

#### FROM FORT DONELSON TO SHILOH

On the day that Nashville was occupied by the Union troops (February 25) the Confederates began the evacu-

<sup>11</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, pp. 594, 599, 612.

ation of Columbus, the last defense on the original line, and began at once to establish a new line along the Mobile and Ohio Railroad from Columbus southward to Corinth and from Memphis eastward through Corinth to Chattanooga on the Memphis and Charleston Railroad, with General Beauregard in command, Corinth being the strategical point at the crossing of the two roads (Map I).

After the evacuation of Nashville the Confederates under General Johnston moved southward as rapidly as possible, striking the Memphis and Charleston road at Decatur, thence moving west to Corinth, the advance reaching that place March 18th. General Johnston reached Corinth on the 24th, assuming command of the combined Confederate forces on the 29th.

The commanders of the two Union armies, Halleck and Buell, after Nashville, did not fully agree as to the best plan of following up the advantages already gained. Buell thought, with the General-in-Chief (McClellan), that Chattanooga was of "next importance" after Nashville<sup>12</sup> and he prepared to follow Johnston south. Halleck thought that the line of the Tennessee River offered the opportunity to strike the enemy's center at or near Corinth<sup>13</sup> and he urged Buell to join him in that movement, but without avail. A few days later, however, General Halleck secured what he had long desired, the consolidation of the two Departments with himself in command. Halleck urged his claims on two grounds: (1) that all of the armies of the West should be under one command, and (2) that the command should fall to him in recognition of the successful campaign against Fort Henry and Fort Donelson in his Department.<sup>14</sup> The consolidation took place on March 11th, after which

<sup>12</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 660.

<sup>13</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 38.

<sup>14</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 628.



date General Buell was subject to orders from St. Louis, as General Grant had been from the first. General Buell's advance southward from Nashville had reached Columbia on Duck River before the consolidation (March 10), but his headquarters were still at Nashville.

On the first of March it appears that General Halleck notified General Grant that his column would move "up the Tennessee", and that the main object would be "to destroy the railroad bridge over Bear Creek, near Eastport . . . and also the connections at Corinth, Jackson, and Humboldt." He was instructed to "Avoid any general engagement with strong forces . . . better . . . retreat than risk a general battle".<sup>15</sup> Two days later, General Halleck sent to the General-in-Chief the complaint against General Grant, which resulted in the latter's practical suspension from active command, Halleck suggesting at the same time that General C. F. Smith command the expedition up the Tennessee. In response to Halleck's complaint, he was authorized to put General Grant under arrest, "if the good of the service requires it", to which Halleck replied: "I do not deem it advisable to arrest him at present".<sup>16</sup> On the fourth of March, Halleck dispatched to Grant: "You will place Maj. Gen. C. F. Smith in command of expedition and remain yourself at Fort Henry." To this, Grant replied, on the next day: "Troops will be sent, under command of Major-General Smith, as directed. I had prepared a different plan, intending General Smith to command the forces which will go to Paris and Humboldt, while I would command the expedition upon Eastport, Corinth, and Jackson in person." He then assures General Halleck that instructions will be carried out "to the very best" of his ability.<sup>17</sup>

<sup>15</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, p. 674.

<sup>16</sup> *War of the Rebellion: Official Records*, Series I, Vol. VII, pp. 680, 682.

<sup>17</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 3-5.



Under this order of his superior, General Grant remained at Fort Henry, acting in the capacity of a forward-officer, until the 17th of the month — the most important two weeks between the date of the order to proceed up the Tennessee and the 6th of April following, when the camp was attacked at Pittsburg Landing. The expedition was planned without consultation with General Grant, commander of the district, and it was directed, except in minor details, from headquarters in St. Louis both before and after March 17th — the date of General Grant's restoration to active command of the army in the field.

The expedition left Fort Henry on March 9th under command of General Smith, with full authority from the Department commander to select the place of landing.<sup>18</sup> General Smith established headquarters at Savannah, on the east bank of the river, but sent one division (General Lew. Wallace) five miles farther up to Crump's Landing on the west bank of the river, where his division went into camp on the 12th. On the 13th Wallace sent an expedition west about fifteen miles to the Mobile and Ohio Railway near Bethel station, where about a half-mile of trestle work was destroyed.<sup>19</sup> The damage to the road was slight, however, as repairs were soon made. (Map I.)

On the 14th General Smith reported that he had "not been able to get anything like the desired information as to the strength of the enemy, but it seems to be quoted at 50,000 to 60,000 from Jackson through Corinth and farther east." It was this information that induced General Smith "not to attempt to cut the communication at that place, [Corinth] as that would inevitably lead to a collision in numbers" that he was "ordered to avoid".<sup>20</sup> Immediately

<sup>18</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 21-26.

<sup>19</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, pp. 9, 10.

<sup>20</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 8.

after this report was made, General Sherman was ordered with his division to a point some distance above Pittsburg Landing, with instructions to cut the Memphis and Charleston road, if possible, at some point east of Corinth. The attempt failed on account of high water and Sherman dropped back to Pittsburg Landing, where he met Hurlbut's division sent up by General Smith as support in case of need. The two divisions left the boats at Pittsburg Landing and went into camp. General Sherman sent out a strong reconnoitering force toward Corinth, and on the 17th he reported to General Smith: "I am satisfied we cannot reach the Memphis and Charleston Road without a considerable engagement, which is prohibited by General Halleck's instructions, so that I will be governed by your orders of yesterday to occupy Pittsburg strongly."<sup>21</sup>

General Lew. Wallace, whose division was at Crump's Landing at this time, says in his *Autobiography* that if General Smith had received the order from Halleck that he expected, to move directly on Corinth, "there had been no battle of Shiloh." And again he says that by the time General Grant was restored to command, the opportunity of advancing on Corinth was "going, if not already gone."<sup>22</sup>

General Grant was restored to active command on March 17th, and going at once to General Smith's headquarters at Savannah he reported on the 18th the distribution of troops as he found it — three divisions on the west side of the Tennessee, Sherman and Hurlbut at Pittsburg Landing, and Lew. Wallace at Crump's Landing; at Savannah, on the east side of the river was McClernand's division; and on transports on the river, waiting for orders, were several regiments which were ordered to Pittsburg Land-

<sup>21</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 25.

<sup>22</sup> Wallace's *Autobiography*, Vol. I, pp. 446, 451.

ing. It is important to remember this distribution of the army as General Grant found it, under the sanction if not the direct order of the Department commander. That General Halleck still believed it possible to cut the Memphis and Charleston Railroad, according to his original plan, is shown by a dispatch to General Grant (March 18th) based on a rumor to the effect that the enemy had moved from Corinth to attack the line of the Tennessee below Savannah, that is, to attack Grant's communications. "If so," says General Halleck, "General Smith should immediately destroy railroad connection at Corinth."<sup>23</sup> To this General Grant replied on the 19th: "Immediate preparations will be made to execute your . . . order. I will go in person".<sup>24</sup> Again, on the next day in a lengthy dispatch to Halleck's Adjutant General, Grant repeated his intention to go "in person" with the expedition "should no orders received hereafter prevent it"—adding that he would "take no risk . . . under the instructions" which he already had; that if a battle seemed to be inevitable, he could "make a movement upon some other point of the railroad . . . and thus save the demoralizing effect of a retreat".<sup>25</sup>

General Halleck evidently thought there was special significance in Grant's intention to "go in person" with the expedition toward Corinth—he knew something would be doing—so, on the 20th Halleck dispatched: "keep your forces together until you connect with General Buell . . . Don't let the enemy draw you into an engagement now."<sup>26</sup>

Before this last dispatch was received, orders were issued by General Grant to all division commanders to hold themselves ready to march at a moment's notice, with three days'

<sup>23</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 46.

<sup>24</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 49.

<sup>25</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 51.

<sup>26</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 50-51.



rations in haversacks and seven days' rations in wagons. On receiving the "wait" order, Grant dispatched again (March 21): "Corinth cannot be taken without meeting a large force, say 30,000. A general engagement would be inevitable; therefore I will wait a few days for further instructions."<sup>27</sup> Evidently General Grant was restive and anxious, believing that precious time was going to waste, as appears from what he wrote to General Smith: "the sooner we attack the easier will be the task".<sup>28</sup>

As far as the records show, no orders later than March 20th were received by General Grant; and so the army within striking distance of the enemy was in a state of suspended animation for nearly three weeks. The army was expected to cut the Memphis and Charleston road, but it was not permitted to fight for the purpose; it must do it without disturbing the enemy.

It is important to remember in this connection that the territory west of the Tennessee River, from near its mouth southward to Pittsburg Landing and west to the Mississippi, was the enemy's country both in sentiment and by strong military occupation, and so the expedition under General Smith up the Tennessee was moving fully two hundred miles from its base of supplies, wholly dependent upon the river. This territory was well supplied with railroads under control of the enemy, by means of which, if so disposed, he might throw a strong force on short notice against General Smith's communications. General Grant evidently had this danger in mind when replying to General Halleck's order sending the expedition up the river, as already quoted. But in this as in other things, General Grant's advice was not sought and his suggestions were not heeded. The conditions at Pittsburg Landing were

<sup>27</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 55.

<sup>28</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 62.



not of his making — they were accepted as they were found, even after three requests to be relieved of command in the Department, because of the strained relations between his superior and himself.<sup>29</sup>

#### GENERAL BUELL'S MOVEMENTS

In pursuance of his plan after Nashville, to follow the enemy south, on March 10th, General Buell reported his advance at Columbia, Tennessee, at the crossing of Duck River.<sup>30</sup> The consolidation of the two Departments occurred on the 11th, and on the 13th, General Halleck, as if in some degree appreciating General Buell's embarrassment, wrote him as follows: "The new arrangement of departments will not interfere with your command. You will continue in command of the same army and district of country as heretofore, so far as I am concerned."<sup>31</sup> Definite orders to General Buell soon followed the consolidation; March 16th: "Move your forces by land to the Tennessee . . . . Grant's army is concentrating at Savannah." Again on March 20th: "important that you communicate with General Smith as soon as possible." And again on March 29th: "You will concentrate all your available troops at Savannah, or Pittsburg, 12 miles above."<sup>32</sup>

As already stated, General Buell had one division at Columbia — about forty miles on the road to Savannah — when the order came to join Grant. The remainder of the army moved promptly, but was detained at the crossing of Duck River in building a bridge until the 30th, though one division (Nelson's) waded the river on the 29th.

<sup>29</sup> The several requests to be relieved of command in Halleck's department bear date of March 7, 9, and 11.—*War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 15, 21, 30.

<sup>30</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 25.

<sup>31</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 33.

<sup>32</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 42, 51, 77.

Naturally General Grant, in front of a rapidly concentrating army under General Johnston and General Beauregard, was anxious to know of General Buell's movements, and so, two days after assuming active command, two couriers were started from Savannah for Buell's camp which was reached on the 23d with this dispatch from Grant: "I am massing troops at Pittsburg, Tennessee. There is every reason to suppose that the rebels have a large force at Corinth, Miss., and many at other points on the road toward Decatur."<sup>33</sup> Thus General Buell had positive knowledge both from General Halleck and General Grant that the latter was "massing troops" at Pittsburg Landing — and this information was in possession of General Buell a full week before his army was able to cross Duck River (about 90 miles away) and two weeks before the battle. This point is dwelt upon for the reason that certain writers have erroneously claimed that General Buell had not been informed of General Grant's position on the west bank of the Tennessee and hence did not press his march.

After wading Duck River as stated, General Nelson's division went into camp for the night, and took up the march next morning (the 30th) reaching Savannah about noon, April 5th, having marched an average of twelve miles a day.<sup>34</sup> General Buell arrived in Savannah "about sundown", on the same day, but he did not make his presence known, nor was his presence known to General Grant, when the latter, with his staff, took boat next morning for the battle field after an "early breakfast" left unfinished.

It need not be matter of surprise that General Buell

<sup>33</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 47.

<sup>34</sup> The following is the itinerary of General Nelson's march from Columbia, as given by Colonel Ammen, commanding the advance brigade: March 30, 4 miles; March 31, 10 miles; April 1, 14 miles; April 2, 16 miles; April 3, 15 miles; April 4, 10½ miles; April 5, 9½ miles.—Ammen's Diary in *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 330.

should be reluctant to join his army of about equal strength and independent in command with the army on the Tennessee. It was Buell's wish to strike the Tennessee higher up and conduct a campaign of his own. With this in mind he suggested to General Halleck that he [Buell] be permitted to halt and go into camp about thirty miles east of Savannah, at Waynesboro. To this suggestion General Halleck replied on the 5th: "You are right about concentrating at Waynesborough. Future movements must depend upon those of the enemy."<sup>35</sup> General Buell issued orders to "concentrate", but fortunately his advance had passed the point designated before the orders were delivered, and the march continued. Had it been otherwise the reënforcing army would have been forty miles away, instead of its advance division being within ten miles, when the battle began.

It may be asked: Why did not General Buell make his presence in Savannah known to General Grant promptly on arrival? Perhaps a perfectly just answer cannot be given in view of the fact that the former was not required to "report" to the latter as a subordinate to a superior — the one was to join the other and wait for orders from a higher source than either. There was but one contingency under which any part of General Buell's army could come under General Grant's orders — an attack upon the latter. General Halleck's instructions to General Grant were (April 5th): "You will act in concert, but he [Buell] will exercise his separate command, unless the enemy should attack you. In that case you are authorized to take the general command."<sup>36</sup> The contingency arose on the morning of the 6th.

<sup>35</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 94, 95.

<sup>36</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 94.



## BEFORE THE BATTLE

From the date of General Halleck's "wait" order to the date of the battle — that is from March 20th to April 6th — there were fifteen full days, during which time this positive order was in force: "My instructions not to advance must be obeyed." Nothing, therefore, remained but to watch the enemy and dodge him in case he offered battle in any considerable force. There was scarcely a day in that waiting time in which there was not reconnoitering, resulting in several light encounters. Colonel Buckland, commanding the fourth brigade of General Sherman's division, has given a good account of the condition of things at the front during the three or four days before the battle in a paper read before the Society of the Army of the Tennessee in 1881 and published in the *Proceedings of the Society*.<sup>37</sup>

On Thursday, April 3d, three days before the battle and the day on which the Confederates marched from Corinth and surrounding camps, Colonel Buckland under orders of the division commander reconnoitered four or five miles toward Corinth, finding the enemy in such force as to deter him from attack, in view of the order to "fall back" rather than risk bringing on a general engagement. The brigade marched back without an encounter. On the next day the picket line was attacked in front of Buckland's brigade, and a picket post was captured, consisting of a Lieutenant and seven men. Colonel Buckland went out with a regiment to investigate and had two of his companies surrounded by Confederate cavalry, which was in turn surprised and routed by the reënforcements sent to the relief of the two companies. Just as the enemy appeared to be forming for a counter attack on Buckland, the Fifth Ohio cavalry of Sherman's division came up, attacked and routed

<sup>37</sup> *Proceedings of the Society of the Army of the Tennessee*, Vol. XIV-XVI, p. 71.



the enemy, capturing several prisoners. This affair developed the presence of the enemy in considerable force — infantry, cavalry, and artillery. When Colonel Buckland reached the picket line, on his return to camp, he found General Sherman with several regiments awaiting him and wanting to know, with a show of displeasure, what he had been doing out in front. After hearing Colonel Buckland's account of the matter, he was ordered back to camp with his men, General Sherman accompanying the order with the remark that he might have brought on a general engagement, which is to be understood as a mild reprimand.

So particular was General Sherman to avoid censure that he required Colonel Buckland to make a written report of the incident which report was sent to General Grant.

Colonel Buckland further says that he was along the picket line several times on Saturday, the day before the battle, and saw the enemy at several points, and that the pickets reported activity near the lines. Other officers made similar observations. "It was the belief of all", says Colonel Buckland, "that the enemy intended to attack us, either during the night or early in the morning".<sup>38</sup> This feeling was so strong that regimental officers were instructed to have their commands in readiness for attack — the picket line was strengthened and a line of sentries was established from the picket line back to camp.

Similar evidence as to the activity of the enemy on Saturday the 5th is furnished by Captain I. P. Rumsey, a staff officer of General W. H. L. Wallace, who was riding outside the lines on that day. On returning to camp Captain Rumsey reported to Colonel Dickey, 4th Illinois cavalry, that he had seen a considerable body of Confederate cavalry. The two officers going to General Sherman's headquarters, re-

<sup>38</sup> *Proceedings of the Society of the Army of the Tennessee*, Vol. XIV-XVI, p. 77.

ported the facts, to which General Sherman replied: "I know they are out there, but our hands are tied; we can't do a thing." Colonel Dickey then asked permission to take his regiment out to investigate, receiving for reply: "Dickey, if you were to go out there with your regiment you would bring on a battle in less than an hour, and we have positive orders not to be drawn into a battle until Buell comes."<sup>39</sup>

Colonel McPherson, Halleck's chief engineer, who was camping with the second division (W. H. L. Wallace) fully corroborates the above statements, by saying: "It was well known the enemy was approaching our lines".<sup>40</sup>

Apprehension of an early attack upon the camp prevailed among the subordinate officers of General Prentiss's division, as well as among those of General Sherman's division, and similar orders were given to companies and regiments to be prepared for a night or an early morning attack. And it seems now to be well settled that the reconnoitering party sent out from Prentiss's division before daylight on Sunday morning was sent out by Colonel Peabody of the 25th Missouri, commanding the first brigade of the division, and without the knowledge of General Prentiss.

In the history of the 25th Missouri, edited and compiled by Dr. W. A. Neal, Assistant Surgeon of the regiment, and published in 1889, appears a detailed account of the action of Colonel Peabody on the eve of the battle, as related by Lieutenant James M. Newhard, at the time Orderly Sergeant of Company E, 25th Missouri, one of the companies in the reconnoitering party. It is related that Colonel Peabody urged upon General Prentiss on Saturday the 5th

<sup>39</sup> Quoted by Major D. W. Reed in a paper published in the *Proceedings of the Society of the Army of the Tennessee*, Vol. XXXVI, p. 216.

<sup>40</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 181.

that an attack was very probable and that preparation ought to be made accordingly. As nothing was done except to strengthen pickets and guards Colonel Peabody, under the influence of a premonition that an attack would be made early in the morning and that he would not survive the battle, decided to take upon himself the responsibility of sending out a party to reconnoiter. So Major Powell, an officer of the Regular Army and Field Officer of the Day was ordered to take three companies of the 25th Missouri, start at about 3 o'clock in the morning, and march until he found the enemy. The companies constituting the party were B, H, and E, of the 25th Missouri. How and where the enemy was found will be related farther on.

Some persons will have doubts, probably, in regard to the story of Colonel Peabody's premonitions of attack, and death in battle, but there can be no doubt about the attack, or about the death of Colonel Peabody, within a few minutes after the main battle began. Major Powell was also killed early in the battle, and so the two principal actors in the first scene of the drama passed quickly off the stage, but not until after the chief of the two was severely reprimanded, at the head of his brigade in line and waiting for orders. The following letter, to a nephew of Colonel Peabody, here given by permission, tells the story.

333 Highland Av.

SOMERVILLE, MASS. Feby. 27th 1902

MR. F. E. PEABODY,  
Box 7 Boston.

*Dear Sir:*

Referring to our conversation concerning the Battle of Pittsburg Landing, Tennessee, April 6 & 7, 1862, I have to state that: Everett Peabody, Colonel of the 25th Mo. Vol. Inf., was in command of the first Brigade 6th Division and I was senior Captain of the regiment.

At early morn before breakfast the line of Battle was formed,



with the right of Brigade resting on the right of our regimental color line. My company was on the right of Brigade. A few minutes after the line was formed, General Prentiss rode up near Colonel Peabody, who was mounted and in front of my company, about the center of the first platoon and said to him, "Colonel Peabody, I hold you responsible for bringing on this fight." Saluting, Colonel Peabody said: "If I brought on the fight I am able to lead the van." General Prentiss ordered him to take his best regiment . . . the next words I heard were: "25th Missouri, forward."

Signed

Yours respectfully,

F. C. NICHOLS,

Captain U. S. Army, Retired;  
formerly Major & Capt. 25th Mo.

Vol. Inf. War of '61 & 5.

This letter by Capt. Nichols makes clear and positive two important points: (1) that General Prentiss, like General Sherman, was impressed with the idea that, under General Halleck's orders the enemy was to be avoided rather than sought out, and he reprimanded his brigade commander for doing, irregularly, the very thing that saved the army from the "surprise" about which so many untruths have been told; (2) the letter makes it clear that Prentiss's division was neither in bed nor at breakfast, when the attack came — it was in line "before breakfast", and the enemy was received with a hot fire, as will appear.

Prentiss's reprimand of Colonel Peabody was, doubtless, prompted by the same sense of responsibility as was that administered by General Sherman to Colonel Buckland, already mentioned. It had been "ground into" each division commander, so to speak, that, "in no case" were they "to be drawn into an engagement."

There was another incident in the activities immediately preceding the battle, more important than anything yet mentioned, which, however, was not revealed, until forty



years later — an incident which, had it been known when and by whom it should have been known, the Battle of Shiloh would have had a different story to tell. We now know, though the knowledge is comparatively recent but entirely reliable, that General Lew. Wallace, commanding the second division of the army at Crump's Landing, had positive information of the movement of the Confederate army to attack Grant on the very day that the movement began — information brought directly to him by one trusted scout and confirmed by a second. During two full days and three nights ("for three days and nights," to quote his language) he "simmers" this all-important information in his mind, trying to determine how he could best reënforce the comrades beyond Snake Creek in case of need.

General Wallace tells in his *Autobiography* how and when the information came to him of the movement of the Confederate army from Corinth as follows:

"About as the sun set, Thursday, the 4th [3d], Bell the scout came into my tent, evidently the worse for a hard ride, and said, abruptly, 'I bring you news, sir. . . . The whole rebel army is on the way up from Corinth. . . . They set out this morning early. By this time they are all on the road . . . batteries and all.' This important information was confirmed by another scout (Carpenter): 'Johnston's cut loose and is making for Pittsburg.' " <sup>41</sup>

General Wallace says that he sent this information by his orderly, on the same evening to Pittsburg Landing, with instructions in case Grant was not found to leave the dispatch with the postmaster, to be delivered next morning. General Wallace's excuse for not sending a proper officer with positive orders to find Grant, seems almost too puerile to be credited — he did not want to appear "officious". The dispatch never reached its proper destination, and the

<sup>41</sup> Wallace's *Autobiography*, Vol. I, pp. 454-456.

secret was in the keeping of General Wallace until he disclosed it in his *Autobiography*. For his own reputation, it might better have died with him. A dispatch boat was at all times at Wallace's headquarters, subject to his orders, and there should have been no difficulty in the way of finding General Grant within two hours, whether at the Landing above or Savannah below. It is worth remembering in this connection that the orderly sent with this dispatch went by the river road and over Snake Creek bridge which had been repaired on that very day under direction of Colonel McPherson, Halleck's chief engineer. General Wallace pleaded ignorance of this road, two days later, in excusing himself for marching his division over the wrong road.

#### THE UNION ARMY AND THE FIELD

To understand and properly appreciate the difficulties under which the Battle of Shiloh was fought on the Union side, the composition of the Army and the topography of the field must both be considered. The Army of the Tennessee as it was camped in the woods above Pittsburg Landing on Sunday morning, April 6, 1862, was never in a camp of organization and instruction, as an Army—it grew by accretion, beginning at Fort Donelson in the middle of February preceding. Some of the regiments that stormed the enemy's works at Donelson dropped into line for the first time under fire, and only a few hours before the assault was made. In like manner new and untrained regiments and batteries came, one by one, to swell the ranks at Shiloh, even after the roar of battle sounded through the woods, taking their assigned places under fire. The division (Prentiss's 6th) from which the reconnoitering party went out before daylight on Sunday morning to "surprise" the enemy was the newest of the new, having but

two organized brigades — though there was enough “raw material” assigned to the division for a third brigade, not all on the ground, however, when the battle began. Attention is called to these facts for the reason that they should be taken into account in passing judgment upon the Battle of Shiloh.

Besides the lack of organization and drill of the army the character of the field upon which the battle was fought should be considered. It has been said with much truth that a clear understanding of the Battle of Shiloh cannot be had without studying the movements on the ground. A written description can convey only a very general idea of the plateau upon which the battle was fought; hence a map showing the principal streams, roads, open fields, etc., is added to aid the study of the positions and movements. (Map II.)

The plateau, rising eighty to one hundred feet above the Tennessee on the east, was surrounded by almost impassable barriers on all sides — except an opening to the southwest, two and a half to three miles in width. The plateau sheds its waters west, north, and east — west and northwest into Owl Creek; north into Snake Creek; and east into the Tennessee. The creeks were effectually guarded by swampy margins and heavy timber, or by a combination of the three — timber, under-brush, and swamp. They admitted of no crossing except by bridges, of which there was one on each of the streams leading to and from the battle field. The Tennessee could be crossed only by boat, as the army had never been supplied with pontoons.

This plateau, bordered as described, was cut into numerous gullies and ravines by small spring-branches, running to all points of the compass in finding their tortuous ways to the larger streams. Most of these spring-branches ran through marshy ground — impassable in the early spring



except where bridged. Some of the ravines were deep, miry, and so densely choked with briars and brambles as to defy invasion by anything much larger than a rabbit. The hill-sides and the ridges were covered with timber and underbrush, except where small farms were under cultivation. There was not an elevation anywhere on the three miles square from which a general view could be had. Wide flanking movements were impossible to either army, and cavalry was practically useless. The Landing itself was a mud bank at the foot of a steep bluff, a single road winding around the bluff and up the hillside to higher ground. At a distance of about a half-mile from the Landing the road forked and a little further on struck the Hamburg and Savannah road, running nearly parallel with the river. Still further on the Corinth road crossed the Hamburg and Purdy road and struck the Bark Road, one branch three miles out and the other branch four miles out. Besides these main roads shown on the map, there were numerous farm roads winding around on the ridges, and the needs of the army made many new roads — all were deep in mud made of the most tenacious clay, so that the unloading of boats and the hauling to camp was a slow and laborious process for both man and mule.

Had John Codman Ropes understood the topography and other conditions of the field of Shiloh, he would hardly have ventured to criticise General Johnston for making a front attack upon the commands of Hurlbut, Prentiss, and Wallace, and for failing to force his way along the Hamburg and Savannah road on the Union left at an earlier hour. General Johnston had no choice but to make a front attack and he did his best to force his way along the Hamburg and Savannah Road, toward the Landing at the earliest possible hour. Why and how he failed to accomplish his main object, before the close of the day, will appear



later. The ground between the Hamburg and Savannah Road and the river was much broken — so much so that there were but two or three cultivated fields on that part of the plateau.

#### THE CONFEDERATE ARMY AND ITS OBJECTIVE

As already stated, after the surrender of Fort Donelson and the evacuation of Nashville General Johnston's army fell back as rapidly as possible southward to the line of the Memphis and Charleston Railroad with a view to joining General Beauregard, who commanded the territory west of the Tennessee River with headquarters at Corinth. By the last week in March there had been concentrated at Corinth and in the vicinity an army of 40,000 effective men, and General Johnston took command on the 29th of March with General Beauregard second in command. The object to be accomplished by this army was to attack and defeat Grant's army before the arrival of Buell, then on the march from Nashville with 37,000 men, following up this anticipated success with the defeat of Buell, thus opening the way back to Nashville so recently evacuated. The movement from Corinth and surrounding camps to attack Grant began in the early morning of April 3d, with a view to making the attack early on the 5th. Bad weather and bad roads delayed the attack twenty-four hours — to Sunday morning, April 6th. How the expected "surprise" of Grant's army was anticipated will now be told.

#### THE BATTLE

It is not the purpose to describe in detail the movements of the battle throughout the two days, but only to touch upon salient features. One of the salient features, and not the least important, is that of the action of the reconnoitering party heretofore referred to as having been sent out

before daylight on Sunday morning from Prentiss's division. General Prentiss in his official report makes no mention of the Powell party, but he says that "at 3 o'clock . . . Col. David Moore, Twenty-first Missouri, with five companies of his infantry regiment, proceeded to the front, and at break of day the advance pickets were driven in".<sup>42</sup>

Colonel Moore, in his official report, says that he was ordered out by Colonel Peabody, commanding the First Brigade, "at about 6 o'clock", to support the picket guard which "had been attacked and driven in". It appears to be certain, therefore, that both the reconnoitering party under Major Powell and the support under Colonel Moore were ordered out by Colonel Peabody without consulting the division commander; hence the reprimand above quoted — heard and remembered by many others besides Captain Nichols. Colonel Moore's command was a reënforcing not a reconnoitering party.

The line of march of the Powell party may be traced on the map (No. II) along the road passing the camp of the 25th Missouri, past the southeast corner of Rhea Field and the north side of Seay Field, passing the picket line at the forks of the road and striking the corner of Fraley Field a few rods farther on. From this point the videttes of the Confederate picket, under Major Harcastle of Hardee's corps were encountered. The videttes fired upon the advancing party and retired to the picket line at the southwest corner of Fraley Field. The fight between the picket post and Powell's party began at once, though it was still quite dark — "too dark to see, in the timber and underbrush", so the firing at first was at random. As there never was an official report made of the part taken by the Powell reconnoitering party, as both the officer ordering it out and

<sup>42</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 278.

the officer commanding it were killed early in the main battle, we must rely upon the report of the officer commanding the Confederate picket at Fraley Field for the incidents of that encounter. Major Hardcastle says the firing began "about dawn" (at 4:55 in fact), and he says: "We fought the enemy an hour or more without giving an inch". "At about 6:30" he saw the brigade formed behind him and "fell back". The casualties in Major Hardcastle's command were four killed and nineteen wounded.<sup>43</sup> The casualties in the Powell party were never certainly known.

This stubborn picket fight seems to have been something of a "surprise" to at least one of the Confederate generals. General Bragg, commanding the second line of attack, says in his official report that "the enemy did not give us time to discuss the question of attack, for soon after dawn he commenced a rapid musketry fire on our pickets."<sup>44</sup> Major Hardcastle, commanding this picket line, says: "The enemy opened a heavy fire on us at a distance of about two hundred yards".<sup>45</sup> That the Confederate line was not ready to move forward at once when the firing began appears from Major Hardcastle's official report. He says: "At about 6:30 a. m. I saw the brigade formed in my rear and fell back."<sup>46</sup> So there was a full hour and a half elapsed between the beginning of the firing and the movement forward. The battle front, two and a half to three miles in extent with a curtain of skirmishers, advanced to the attack. Major Powell's party and the Union pickets that joined him fell slowly back, carrying their dead and wounded until they met Colonel Moore with five companies of his regiment (21st Missouri). Colonel Moore taking command, sent back for

<sup>43</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 603.

<sup>44</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 464.

<sup>45</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 603.

<sup>46</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 603.



the other five companies of his regiment, under Lieutenant Colonel Woodyard. The force now consisted of the 21st Missouri, three companies of the 25th Missouri, four companies of the 16th Wisconsin, and two companies of the 12th Michigan — all infantry. This force formed in Seay Field and advanced to a point near the northwest corner of the field, where the Confederate skirmishers were encountered, the 8th and 9th Arkansas. (Map III.) There was a sharp fight at this point lasting about thirty minutes, in which Colonel Moore was severely wounded. Lieutenant Mann of the same regiment was wounded, and Captain Saxe (16th Wisconsin) was killed — the first Union officer killed in the battle of Shiloh.

As the Confederates advanced, the little Union force moved slowly back across Shiloh Branch, forming again at a point about two hundred yards from the southeast corner of Rhea Field, where the remainder of Peabody's brigade was in line. This position was held from a half hour to an hour against two brigades (Shaver's and Wood's). While falling back in line from this point Major King (21st Missouri) was mortally wounded. Meantime, General Prentiss had formed the remainder of his division (Miller's brigade) and had advanced about eighty rods from the front of his camp to the south side of Spain Field (Map III), where he was joined by Peabody's brigade, Powell's party, and the pickets. The division, now consisting of seven regiments and two batteries, was here attacked by four brigades — Wood, Shaver, Gladden, and Chalmers — comprising twenty regiments and three batteries. Against this tremendous odds the position was held for about thirty minutes, when the division fell back to the line of the camp where another stand of about thirty minutes was made, the division finally retiring at about nine o'clock — more than



five hours after the reconnoitering party marched out. Among the casualties on the Union side in front of Prentiss's division were Colonel Peabody and Major Powell, killed; and on the Confederate side General Gladden was mortally wounded.

There is ample testimony in the official reports of Confederate officers to show that the resistance met by their several commands in the slow advance from the picket line had none of the features of a sham battle. There were many casualties on both sides — how many was never certainly known. There was no bayoneting of Union men on their beds in their tents or elsewhere. Indeed there was never any foundation for such stories except in the imagination of sensational newspaper correspondents. And it is further to be stated that at the time when the lines came in collision at the front — about 8 o'clock — every regiment in the camp, three miles in extent, was in line waiting orders or was marching toward the sound of battle.

A word of explanation should here be made in regard to General Sherman's (5th) division. This division was the first to go into camp at Pittsburg Landing, and the necessities of the situation required it to cover three important approaches from the back country to the Landing; namely, the main Corinth road; a bridge on the Hamburg and Purdy road over Owl Creek; and a ford over Lick Creek near its mouth which accommodated travel from Hamburg both to Purdy and Savannah. The crossing of Owl Creek was about three miles west of the Landing, and the crossing of Lick Creek was about the same distance to the south of the Landing; while the Corinth road ran southwest nearly midway between the two crossings. General Sherman camped three brigades (1st, 3d, and 4th) to occupy the Corinth road at Shiloh meeting-house, thus covering Owl Creek bridge. The other brigade (Stuart's) camping

to cover Lick Creek crossing, was separated from the division by a little more than one mile, and it remained separated throughout the first day's battle, acting independently of the orders of the division commander. The space between the two parts of Sherman's division was later occupied by General Prentiss's (6th) division formed of new regiments as they arrived. When reference is hereafter made to Sherman's division, in the action of Sunday, it is to be understood that Stuart's brigade is not included for the reasons explained.

Still another explanation is needed. When General Sherman first went into camp special attention was paid to the selection of camping sites convenient to good water. By consulting the map it will be seen that three brigades of this division were camped somewhat irregularly, the left brigade being out of line with the other brigades and also out of line in itself. As a consequence when line of battle was formed on Sunday morning it was not a prolonged line, the left of Hildebrand's brigade being well forward and in an open field where it was peculiarly exposed to the force of the first onset to which it quickly yielded as will be seen.

At a little after seven o'clock, and after line of battle had been formed, General Sherman and staff rode to the left of his division in Rhea Field for a better view to the front; and while there in front of the 53d Ohio regiment (Col. Appler) the Confederate skirmishers opened fire from the brush across Shiloh Branch, killing the general's orderly. At about eight o'clock, looking off to the "left front", there were seen "the glistening bayonets of masses of infantry", and then, for the first time, General Sherman was convinced that "the enemy designed a determined attack."<sup>47</sup> A few minutes later the Confederate advance

<sup>47</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 294.

struck Sherman's left under Colonel Hildebrand, and Prentiss's right under Colonel Peabody. How Prentiss's division met the attack has already been stated. How Sherman's division met it will now be shown.

The 53d Ohio, exposed as has been explained, and commanded, unfortunately, by an officer whose nerve deserted him at the critical moment, after firing two volleys, became demoralized and as an organization disappeared, though two companies were rallied by their officers, joined other organizations and staid on the firing line throughout the day. Colonel Appler disappeared from the field and was later cashiered for cowardice.

The attack on Sherman's left and center by Cleburne's brigade of Hardee's corps was furious and sustained — to be repulsed, however, with heavy loss, by Buckland's brigade and the two remaining regiments of Hildebrand's brigade. Cleburne, in his official report of this affair, says: "Everywhere his musketry and artillery at short range swept the open spaces . . . with an iron storm that threatened certain destruction to every living thing that would dare to cross them. . . . Under the terrible fire much confusion followed, and a quick and bloody repulse was the consequence."<sup>48</sup>

One of Cleburne's regiments (6th Miss.) lost three hundred men, killed and wounded, out of 425, and his brigade soon went to pieces. A second assault was made by Anderson's brigade of Bragg's corps to meet a similar repulse. A third assault was made by two brigades of Polk's corps (Russell's and Johnson's) joined with the reorganized brigades of Cleburne and Anderson and assisted by Wood on their right. This assault was successful, forcing Sherman from his first line at about ten o'clock, and with him one brigade of McClellan's division that had come to his sup-

<sup>48</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 581.



port on the left. Sherman's right brigade (McDowell's) was not involved in this engagement for the reason that the line of attack crossed its front diagonally without bringing it into action; but a little later Pond's brigade, from the extreme left of Bragg's corps, appeared in McDowell's front, overlapping his right and covering Owl Creek bridge. Orders were then given to fall back to the Purdy road, and McDowell's camp was abandoned without a fight. By this time Hildebrand's brigade had gone to pieces and Hildebrand himself being without a command, reported to General McClernand for staff duty. In fact this first assault on Sherman's line fell mainly upon a single brigade (Buckland's), and it was on the hillside in his front where, according to General Lew. Wallace, there was "a pavement of dead men", after the fight was over. This must be considered one of the conspicuous features of Sunday's battle. Time was of the utmost importance, to enable the proper formations in distant parts of the camp. The needed time was secured by the stubborn fight made by Sherman's division on its first line; and it was probably this that gained for General Sherman, in the minds of some, credit for saving the day.

It was in the Confederate plan to push its right east to the river, turn the Union left, seize the Landing, and force the army back on Owl Creek where it was expected surrender would necessarily follow. The stubbornness of the resistance to the Confederate left delayed the movement toward the river somewhat, though two brigades (Chalmers's and Jackson's) were in front of the Union left near the mouth of Lick Creek, very soon after the extreme right fell back from the first line. To meet these two brigades of nine regiments and two batteries, Colonel Stuart had a single brigade of three regiments without artillery — and one of these regiments (71st Ohio) was led off the field by



its colonel soon after the fight began to take no further part in the day's battle. Colonel Mason was later cashiered for his conduct at Shiloh.

The two remaining regiments of this brigade gave a good account of themselves (54th Illinois and 55th Ohio), making heroic resistance and suffering severely in casualties. There are those who believe that the fighting on the extreme left by this little band of about eight hundred men without artillery and against three or four times their number with artillery was not less important than was the fighting on the extreme right, though less conspicuous. This movement of the Confederate right was under the personal direction of General Johnston, and upon its quick success depended the success of the battle as planned. Before eleven o'clock the battle was raging from right to left, a distance of three to four miles.

As has been already stated, by the time that the battle was fairly on at the front every regiment in the most distant parts of the camp was in line. McClernand promptly supported Sherman, and Hurlbut also sent one of his brigades (Veach's) to that part of the field, leading his two remaining brigades to support Prentiss. Hurlbut, meeting Prentiss's division falling back in disorder, allowed the men to drift through his ranks, then formed line at the Peach Orchard, facing Lauman's brigade west and William's brigade south, where he met first the attack of Chalmers's and Jackson's brigades from the direction of Prentiss's abandoned camp. A little later this position was attacked by the brigades of Bowen, Statham, Stephens, and Gladden — the latter officer, however, having received a mortal wound in front of Prentiss's first line, as already stated.

C. F. Smith's (2nd) division, now commanded by W. H. L. Wallace, camped near the Landing and fully three miles from the point where the battle began, was in line by eight

o'clock, and the first brigade of four regiments (Colonel Tuttle) advanced to Duncan Field and took position in the "sunken road"—long abandoned as useless, but which ere nightfall was destined to become famous for desperate fighting against odds. (Map III.) Of the second brigade (General McArthur's) one regiment was sent to the right; two were sent to cover Snake Creek bridge, over which General Lew. Wallace's division was expected at an early hour; and two marched under General McArthur himself, to the support of Stuart, on the extreme left. The third brigade (Sweeny's) moved south on the Corinth road to act as a reserve, though it was not permitted to wait upon opportunity. Two regiments of this brigade (7th and 58th Illinois) were sent at once to the right to prolong Tuttle's line to connect with McClernand, going into position at about nine-thirty o'clock. A third regiment (50th Illinois) was sent to McArthur on the left; and the remaining regiment of the brigade (8th Iowa), between eleven and twelve o'clock, took position at Tuttle's left in the "sunken road" connecting its left with Prentiss who, having rallied a part of his division, put them in at the right of Hurlbut. Prentiss was here joined under fire by the 23d Missouri, just landed from the boats, giving him about one thousand men in the "Hornets' Nest". Two other regiments (15th and 16th Iowa), assigned to Prentiss's division, landing too late to join him at his camp, were sent to McClernand, joining him at Jones's Field, one and a half miles west of the Landing.

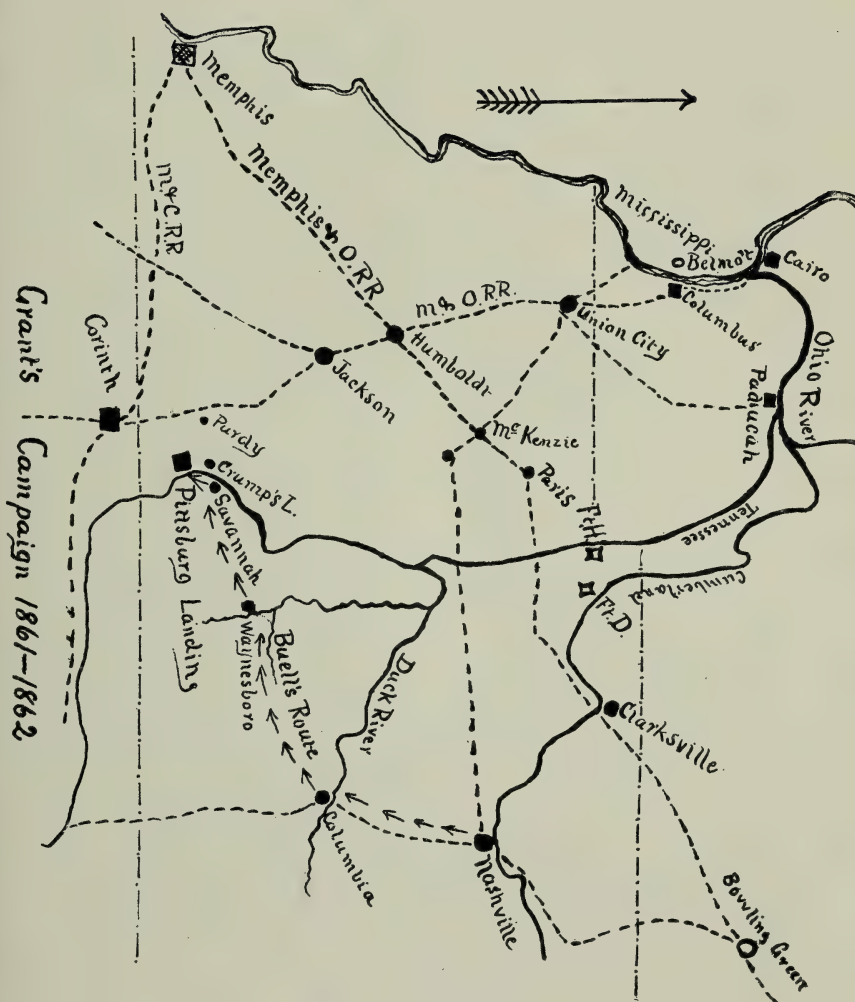
Before noon the contending armies were in continuous and compact line from flank to flank. Welded in the furnace heat of four hours' battle without a moment's respite, it might be said with little exaggeration that the men stood foot to foot, contending for the mastery. The Union lines had steadily but slowly receded, shortening at the flanks,

and the Confederates had as steadily advanced, extending their flanks but recoiling again and again from attacks made at the center, and with heavy loss.

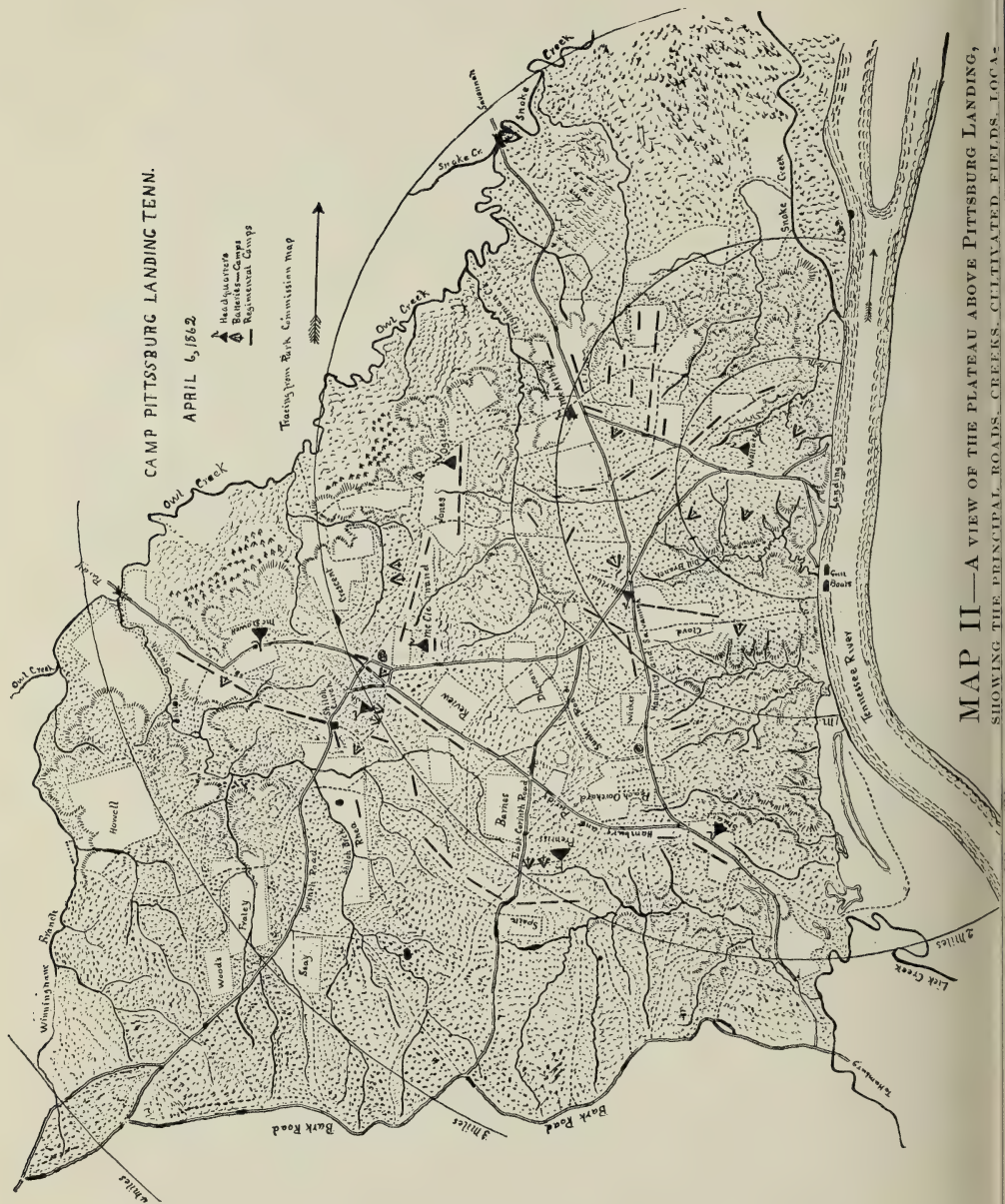
The Confederate reserve under General Breckenridge, about 8,500 men, were all in action before noon, the first brigade (Trabue) going in on their extreme left at about the time that Sherman fell back from his first line. The other two brigades (Bowen and Statham) went into line on the right south of the Peach Orchard, between eleven and twelve o'clock in front of Hurlbut and near where General Johnston had his headquarters in the saddle. Though General Johnston personally directed the battle on the Confederate side, in this part of the field, he did not, as some writers have told the story, personally encourage an unwilling Tennessee regiment by riding along the line and tapping the bayonets of the men with a tin cup which he carried in his hand, then leading the line in a furious charge. No part of such an incident occurred there or elsewhere, on the authority of one of General Johnston's chief Aids, Governor Harris of Tennessee — the only person who was present at the death of General Johnston soon after and near the spot where the incident is said to have occurred.

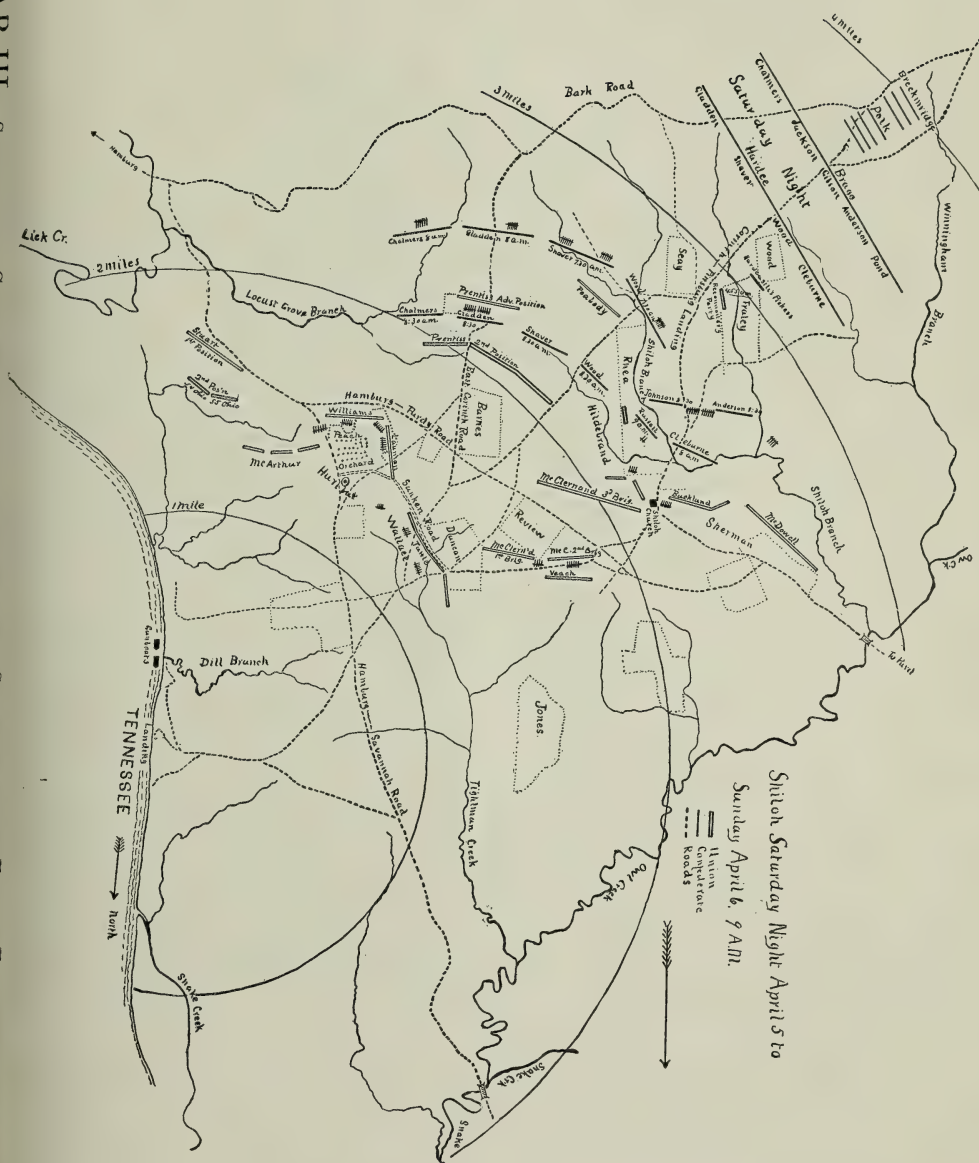
Stuart, McArthur, and Hurlbut having successfully repulsed several attacks, General Johnston was evidently convinced that the Union left was not to be easily turned; and so about noon under his personal direction, having put into his lines two brigades of the reserve under General Breckenridge, a forward movement was ordered, six brigades participating — Chalmers's, Jackson's, Bowen's, Statham's, Stephens's, and Gladden's. Threatened on his left by a cavalry flanking movement, Stuart was the first to slowly give ground; McArthur, on Stuart's right, necessarily followed, both changing front from south to south-

MAP I—SHOWING THE TERRITORY OVER WHICH GENERAL GRANT OPERATED, FROM SEPTEMBER 4, 1861, TO THE TIME OF THE BATTLE OF SHILOH, TOGETHER WITH THE LOCATION OF THE IMPORTANT PLACES MENTIONED IN THE TEXT. IT ALSO SHOWS THE ADVANCE OF BUELL'S ARMY FROM NASHVILLE TO SHILOH.



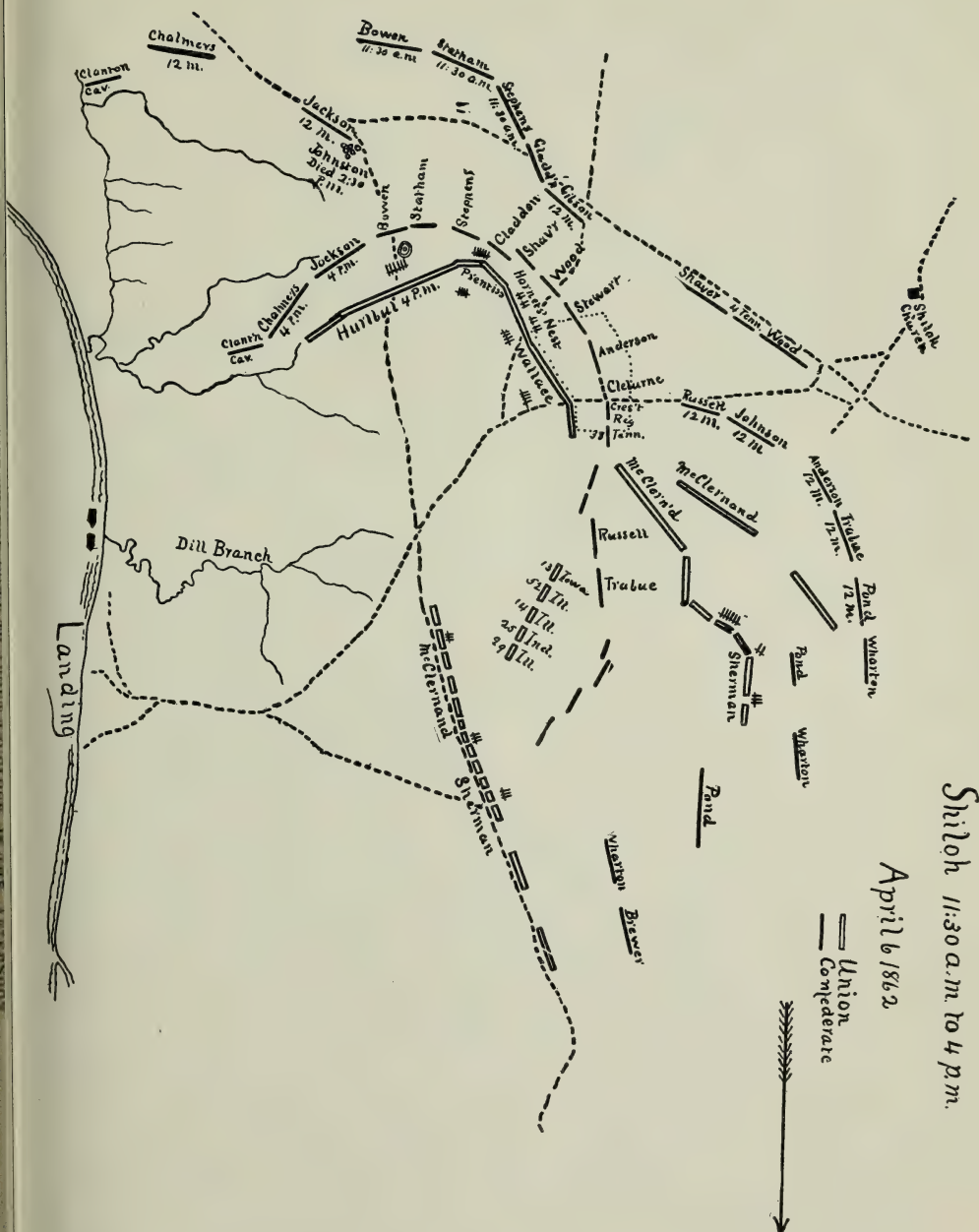








MAP IV—SHOWING THE GENERAL SITUATION UP TO ABOUT NOON ON SUNDAY.

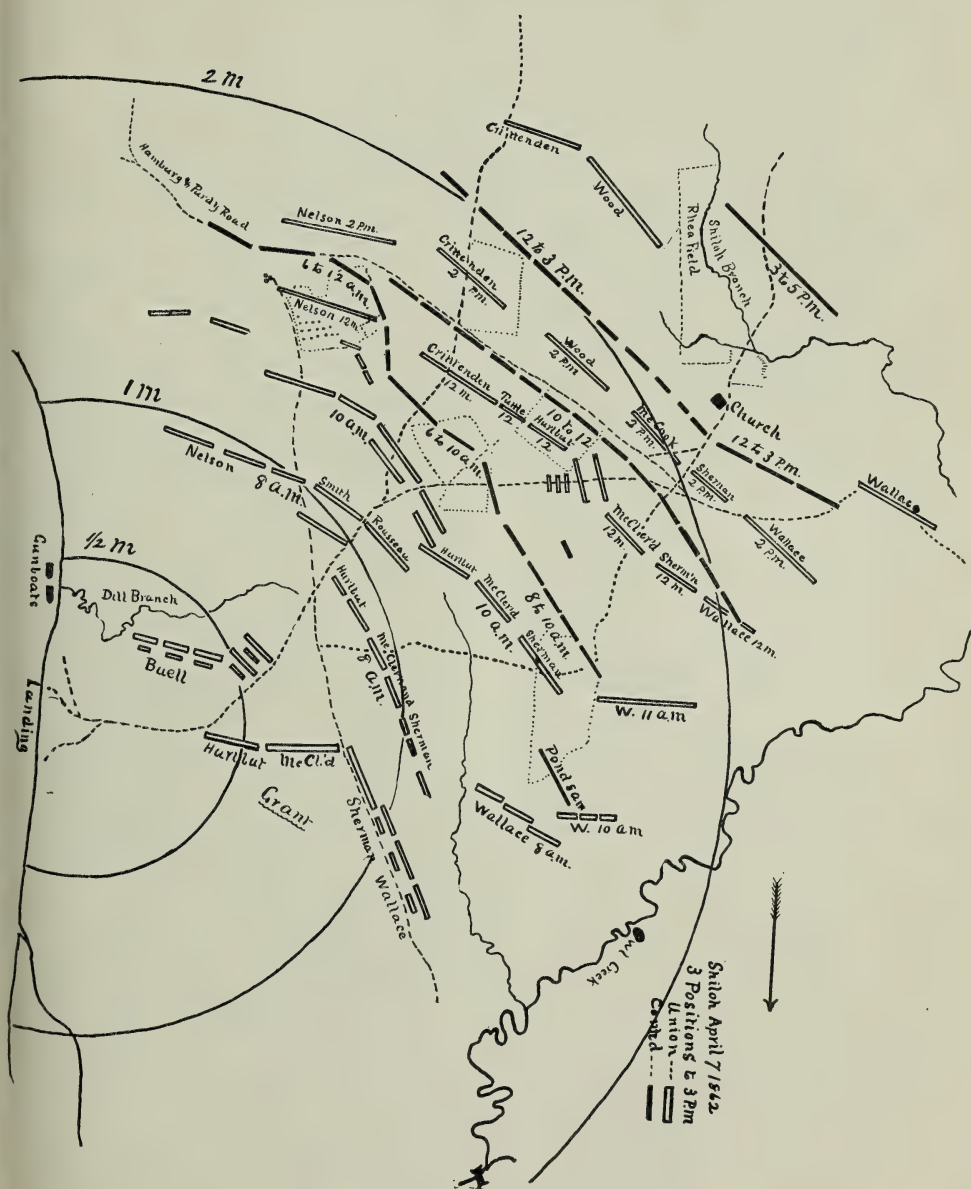


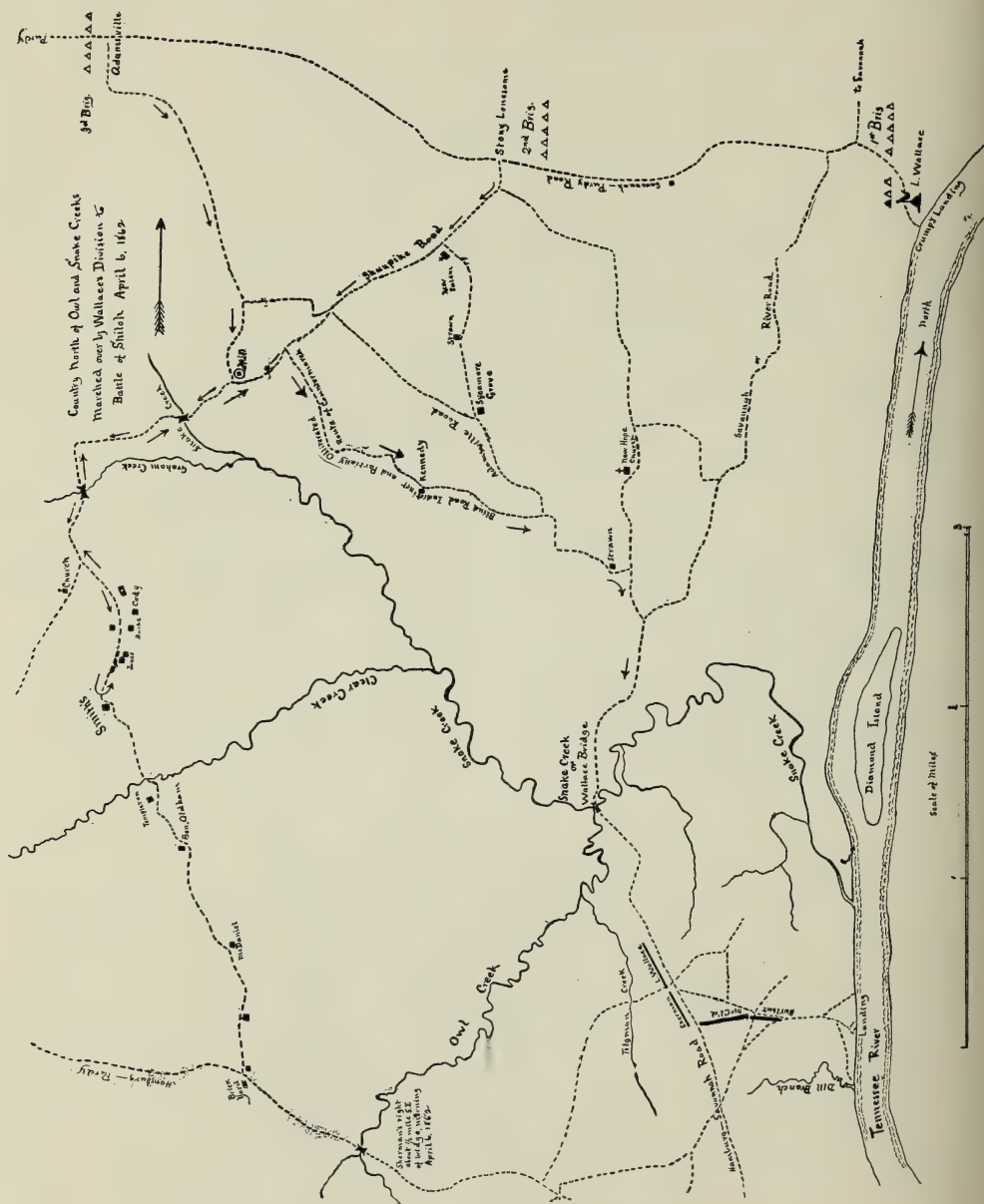


Shiloh 4 p.m. to Close of Battle  
April 8<sup>th</sup> '62



MAP VI—SHOWING RUGGLES'S BATTERY (62 GUNS) BOMBARDING THE HORNETS' NEST, AND THE SITUATION AT THE TIME OF THE SURRENDER AT THAT POINT. THE LINES FACING EACH OTHER ACROSS DILL BRANCH WERE THE LAST LINES OF THE DAY, SUN-DAY. THE BATTERIES IN GRANT'S LINE WERE ALL THERE AS REPRESENTED: (1) MARKGRAF 6; (2) MUNCH 5; (3) POWELL 5; (4) ... (5) ... (6) ... (7) ... (8) ... (9) ... (10) ... (11) ...





MAP VIII—ROADS NORTH OF OWL AND SNAKE CREEKS SHOWING LEW. WALLACE'S ADVANCE FROM CRUMP'S LANDING.

east, falling back and fighting for every foot of ground. This movement compelled Hurlbut to retire from his first position to the north side of the Peach Orchard (Map IV). At about two o'clock, Colonel Stuart having been wounded, his two regiments having lost heavily, and having exhausted their ammunition — even after robbing the cartridge-boxes of their dead and wounded comrades — retired toward the Landing. General McArthur followed not long after; and General Hurlbut, having connected his right with General Prentiss's left, swung back until their lines were nearly at right angles. (Map V.) Hurlbut retired toward the Landing at about four or four-thirty o'clock, leaving the line from left to right in the following order: Prentiss's command, 8th Iowa of Sweeny's brigade, Tuttle's full brigade, and the 58th Illinois of Sweeny's brigade.

While this fierce struggle was in progress on the Confederate right, at about two-thirty afternoon, General Johnston received the wound from which he died a few minutes later. General Bragg then took command of the right, and General Ruggles succeeded Bragg in the center.

While the battle raged on the Union left, as described, it was not less stubborn and bloody on the right; but Sherman and McClernand were forced back to the Hamburg and Savannah road — a mile from the Landing — about four-thirty o'clock, the Confederates gradually closing in from both flanks around the center. (Map VI.) Meantime General W. H. L. Wallace had sent orders for his command to retire; but for some reason never explained four of his six regiments did not receive the order and were captured, as will be explained. As General Wallace and General Tuttle, followed by the 2nd and 7th Iowa Regiments, were fighting their way through a severe crossfire at short range, General Wallace was mortally wounded, and was left on the



field to be recovered the next day, dying three or four days later without recovering consciousness.

#### THE HORNETS' NEST

This appellation owes its origin to the men who felt the sting of the hornets. William Preston Johnston in his history of his father (General A. S. Johnston) speaks of the term as a "mild metaphor", and says that "no figure of speech would be too strong to express the deadly peril of an assault upon this natural fortress whose inaccessible barriers blazed for six hours with sheets of flame, and whose infernal gates poured forth a murderous storm of shot and shell and musket-fire which no living thing could quell or withstand".<sup>49</sup>

No more graphic description of the fight at the Hornets' Nest has been written than that of which the language quoted is a part — written from the view-point of the attacking forces, and, therefore, written with full knowledge of the results that followed from the "murderous storm of shot and shell and musket-fire." It is literally true that Duncan Field and the woods and thickets bordering it along the "sunken road" were thickly strewn with the dead and wounded. The same author tells us that "Hindman's brilliant brigades . . . were shivered into fragments and paralyzed"; that "Stewart's regiments . . . retired mangled from the field"; that "Gibson's splendid brigade . . . recoiled and fell back"—four several times, indeed. Colonel Gibson, in his official report says of his brigade: "Four times the position was charged and four times the assault proved unavailing."

The best informed writer, living or dead, on the details and incidents of the Battle of Shiloh — Major D. W. Reed, Secretary and Historian of the Shiloh National Military

<sup>49</sup> Johnston's *Life of General A. S. Johnston*, p. 620.

Park Commission and author of *Campaigns and Battles Twelfth Regiment Iowa Veteran Volunteer Infantry*, who was himself in the Nest during the entire day, says there were "twelve separate and distinct charges" made upon the line at the Hornets' Nest, with the result that three Confederate brigades were "entirely disorganized", and that "thirteen regiments lost their regimental organizations . . . and were not brought into the fight again . . . during the day."<sup>50</sup> General Ruggles, who commanded the Confederate lines in that part of the field after the death of General Johnston, designates this as "one of the controlling conflicts of that eventful day."<sup>51</sup> The position was of such conspicuous importance that a brief description of the ground will not be out of place.

Moving out on the Corinth road from the Landing about three-fourths of a mile one crosses the Hamburg and Savannah road. A fourth of a mile further on the road forks, the left hand branch (Eastern Corinth) bearing south of southwest; and one-fourth of a mile still further on it crosses an old abandoned road near the southeast corner of Duncan Field, and near the center of the Hornets' Nest. The right-hand road from the fork runs nearly west, crossing the north end of Duncan Field, then bearing south passes the "Little Log Meeting-house". At the point where this road, going from the Landing, strikes the east line of Duncan Field the abandoned road leads off to the southeast about a half-mile, then bending east to the Hamburg and Savannah road near Bloody Pond — another significant local name. Along this abandoned road, beginning near the north end of Duncan Field, the line of battle from right to left, was as follows: 58th Illinois (Sweeny's brig-

<sup>50</sup> Reed's *Campaigns and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry*, p. 50.

<sup>51</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 475.

ade); second, seventh, twelfth, and fourteenth Iowa regiments (Tuttle's brigade); to the left of this brigade was the eighth Iowa, of Sweeny's brigade; to the left still was Prentiss's division, consisting of one entire regiment (23d Missouri), and parts of several other regiments — the entire line numbering not to exceed 2,500 men. The old road ran along a slight elevation and was so water-washed in places as to afford good shelter to men lying down to fire on an advancing enemy — a sort of natural rifle-pit, though rather shallow in places. About half of the distance, from right to left, there was open field extending to the front about 500 yards to the timber occupied by the Confederates. The left half of the line was well screened by timber and, for the most part, by a heavy growth of underbrush so that the advancing lines not able to see the men lying in the old road were received with a crushing fire at short range. In every instance the repulse was complete and bloody.

General Ruggles, becoming convinced that the position could not be taken by infantry, from the front, determined to concentrate his artillery and bombard the strong-hold. He tells us in his official report <sup>52</sup> that he directed his staff officers "to bring forward all the field guns they could collect from the left toward the right". General Ruggles evidently believed that this was a crisis in the battle, admitting that "for a brief period the enemy apparently gained". Nor was he alone in the belief, for one of his artillery officers (Captain Sandidge) said officially: "I have no doubt that had they been seasonably reinforced when they checked our advancing troops, they could certainly have broken our lines". And he feared that result before the guns could be planted and infantry supports brought up. General Ruggles succeeded in bringing up sixty-two guns from the left,

<sup>52</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 472.



which were planted on the west side of Duncan Field about five hundred yards away; and the bombardment began at about four-thirty afternoon. Of course there could be but one result. The Union batteries were forced to retire, leaving the way clear for the encircling Confederate lines to close in. Besides the Ruggles aggregation of artillery of sixty-two guns, there must have been several other batteries playing upon the Hornets' Nest from the right, as none of the guns from that part of the field were in the Ruggles aggregation. Probably not less than seventy-five guns were trained on that devoted spot, and fully three-fourths of the Confederate army was coiling around it. And for some time before the surrender took place, a few minutes before six o'clock, rifle-fire poured in from three directions, as the beleagured faced about and attempted to fight their way out. The number to surrender was about 2,000 men. The importance of this prolonged contest, from a little before ten forenoon to nearly six afternoon, upon the destinies of the day can hardly be estimated. It secured to General Grant's army the thing most needed — time to form the new line; time for Lew. Wallace, for Buell, and for Night to come. The Hornets' Nest was distinctly an altar of sacrifice. (Map VI.)

#### HOW BUELL SAVED THE DAY

By the time the Confederate officers had recovered from their "surprise" at the smallness of the capture at the Hornets' Nest, in view of the prolonged and effective resistance encountered, General Grant had formed his new line on the north side of Dill Branch, running from the mouth of the Branch on a curve back to the road leading from the Landing; thence west to the Hamburg and Savannah road; thence north to the swamp bordering Snake Creek. At the extreme left of the line, the two gunboats lay opposite the



mouth of the Branch. On the bluffs near the mouth of the Branch were two batteries, trained up-stream. Two other batteries were a little farther from the river and back nearer the road leading from the Landing; and two more were still farther west, but advanced toward the edge of the bluffs overlooking the Branch. Back on the road again and a little west were two more batteries before coming to the six big siege guns.

A glance at the map for Sunday night's position will show that the line from the mouth of Dill Branch west to the siege guns was a semi-circle with the gunboats at the extreme left, and that there were about fifty guns in the line east of the Hamburg and Savannah road, exclusive of the gunboats. Behind this array of artillery was ample infantry support, except on the extreme left where support was not needed, because of the nature of the ground in front. As General Nelson marched the head of his column up from the Landing at about five-thirty o'clock, he noted the absence of infantry along that part of the line, and in his official report he describes what he saw as a "semicircle of artillery, totally unsupported by infantry", which was not quite true; and he added another statement which was not at all true, namely; "the left of the artillery was completely turned by the enemy and the gunners fled from their pieces."<sup>53</sup> General Nelson evidently knew nothing of the batteries near the mouth of Dill Branch, for he struck the line at about the middle of the "semicircle" and the single regiment that he brought into action (36th Indiana) was sent to support the guns in front of the main line toward Dill Branch.

Opposed to this array of Union artillery a single Confederate battery took part in the last attack, and that was disabled.

<sup>53</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 323.

Any fair-minded person, having knowledge of the character of the ground between the lines of the two armies as the lines were on Sunday night — especially on the left of the Union lines — must admit that Grant's was a strong position and that his antagonist had serious obstacles to overcome before he could strike with effect.

With as little delay as possible after the surrender at the Hornets' Nest, General Bragg, still commanding the Confederate right, ordered his division commanders to "drive the enemy into the river", believing, doubtless, that the "drive" would be a brief and easy task. Accordingly the Confederate right uncoiled itself from around the Hornets' Nest and, led by Chalmers's and Jackson's brigades of Withers's division, advanced along the road toward the Landing; then, fling right, formed line on the south side of Dill Branch and near the margin of the deep ravine. This ravine, impassable at its mouth by reason of steep bluffs and back-water, was difficult to pass fully a half-mile from its mouth. Its steep sides were timbered and obstructed by underbrush, and at the bottom it was fairly choked with undergrowth.

The last attack made upon the Union lines was upon the extreme left in which only two small brigades and one battery participated. Chalmers's brigade had nominally five regiments, but one of the regiments (52nd Tennessee) "acted badly" in the early part of the day, and three hundred of its four hundred men are not to be counted. Jackson's brigade detached one regiment to guard the Hornets' Nest prisoners, so that it seems to be liberal, allowing for the losses of the day, to say that there were not to exceed 1800 men engaged in the last assault.

The two brigades made their way down the southern slope, through the tangled undergrowth at the bottom of the ravine and, quoting from their official reports, "strug-

gled" up the other slope, "which was very steep" encountering in "attempting to mount the last ridge" the "fire from a whole line of batteries protected by infantry and assisted by shells from the gunboats." General Chalmers says his men "were too much exhausted to storm the batteries".<sup>54</sup>

General Jackson says his men were without ammunition, having "only their bayonets to rely on", and that when they "arrived near the crest of the opposite hill", they "could not be urged farther without support", the men "sheltering themselves against the precipitous sides of the ravine" where "they remained under fire for some time."<sup>55</sup> (The Confederate skirmish line is shown on Map VI, at the crest of the bluff, north of Dill Branch.)

This was the situation when eight companies of the 36th Indiana (Colonel Grose), about four hundred men, of Ammen's brigade, Nelson's division, Army of the Ohio, arrived on the scene. Colonel Grose was ordered to go to the support of Stone's battery, which was in position some distance in advance of Grant's main line and near the brow of the hill up which the assailants were climbing with great difficulty. There the 36th Indiana exchanged shots with the skirmishers of Chalmers's brigade, during fifteen to thirty minutes<sup>56</sup> having one man killed and one man wounded. In his history of the 36th Indiana, Colonel Grose says that "after three or four rounds the enemy fell back. It was then dark." And he says, further, that "no part of Buell's army, except the Thirty-sixth Indiana, took any part whatever in the Sunday evening fight at Shiloh." And he might have said with equal truth and without disparagement to his regiment that the presence of the Thirty-sixth Indiana

<sup>54</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, pp. 550-551.

<sup>55</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 555.

<sup>56</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 334.



had no effect in determining the issues of the day. Had the four hundred men not been there the "enemy" would have retired just the same, for he could never have crossed the open space from the "last ridge" to the "line of batteries". The ground to be traversed was but gently rolling with little to obstruct the view — no sheltering ridge or friendly copse to admit of unobserved approach. It must have been a "rush" of two to four hundred yards, in the face of point-blank firing, to reach the batteries, behind which, as already stated, was ample infantry support. The battle of the day really came to an end at the Hornets' Nest. All that followed was mere skirmishing for the purpose of developing the new conditions.

#### THE LOST OPPORTUNITY

The "Lost Opportunity" is a phrase of Confederate origin and it refers to the last moments of Sunday's battle, briefly described above. Both the idea and the phrase seem to have been born of an afterthought, and a disposition to shift blame to the shoulders of General Beauregard, should blame be imputed, for failure to crush or capture Grant's army. The claim has been put forward with considerable persistency that the order of General Beauregard to withdraw from the contest was responsible for the escape of Grant's army. This absurd claim has been answered most effectively by General Thomas Jordan, Adjutant-General of the Confederate forces engaged at Shiloh.

In *Southern Historical Society Papers*,<sup>57</sup> General Jordan takes up the subject and refers to the official reports of several division, brigade, and regimental commanders for the purpose of showing the demoralized and exhausted condition of the Confederate army. In referring to the report of General Withers, two brigades of whose division made

<sup>57</sup> *Southern Historical Society Papers*, Vol. XVI, p. 297.



the last feeble assault, he says: "If there be significance in words, he makes it clear that such was the absolute lateness of the hour, that had the attempt been made to carry the Federal batteries . . . with such troops as were there assembled, it would have resulted in an awful butchery and dispersion of all employed in so insensate, so preposterous an undertaking; and such must be the verdict of any military man who may studiously read the reports of the subordinate officers of Withers's three brigades, and bear in mind the formidable line of fifty-odd pieces of artillery which Webster had improvised".<sup>58</sup>

Surgeon J. C. Nott of General Bragg's staff, who rode by his chief's side nearly all day, is quoted as saying that the "men . . . were too much demoralized and indisposed to advance in the face of the shells . . . bursting over us in every direction, and my impression was . . . that our troops had done all that they would do, and had better be withdrawn."<sup>59</sup>

Another officer of General Bragg's staff, Colonel Urquhart, writing in 1880 is quoted thus: "The plain truth must be told, that our troops at the front were a thin line of exhausted men, who were making no further headway. . . . Several years of subsequent service have impressed me that General Beauregard's order for withdrawing the troops was most timely".<sup>60</sup>

The claim that there was a "Lost Opportunity" because of the order to retire, General Jordan says, "becomes simply shameful, under the light of the closely contemporaneous statements of every division commander, except one (Withers); of all the brigade and regimental commanders of each Confederate corps, including the reserve whose re-

<sup>58</sup> *Southern Historical Society Papers*, Vol. XVI, pp. 300, 301.

<sup>59</sup> *Southern Historical Society Papers*, Vol. XVI, p. 307.

<sup>60</sup> *Southern Historical Society Papers*, Vol. XVI, p. 316.

ports have reached the light; that is, of nearly all commanders present in the battle.”<sup>61</sup>

This ought to be sufficient evidence to settle forever both propositions in the negative; namely, the claim that Buell “saved the day”, and that there was a “Lost Opportunity”.

The condition of Grant’s army at the close of Sunday’s battle as to strength has been greatly underrated by certain writers, and its disorganization has been greatly exaggerated by writers who have had an object in so representing it. It is true that both armies were badly battered as the result of about fourteen hours’ continuous fighting with scarcely a moment’s cessation. Careful study of the reports of Confederate officers shows that there was not a single point of attack on any part of the field at any hour of the day where there was not stubborn resistance with serious loss to the attacking forces. These reports also show that there was serious defection from their ranks, beginning early and continuing during the day, and that when night came on there was such disorganization that some of their commanders were entirely separated from their commands and remained so separated to the close of the battle, Monday night. These reports further show that instead of bivouacking in line of battle as did Grant’s army the entire Confederate army, with the exception of a single brigade (Pond’s brigade on the extreme left) withdrew a distance of two to four miles from the Landing. It is in evidence also from the same sources of information that General Beauregard was able to put in line on the morning of the second day substantially half the number of men that were in line on the morning of the first day. General Grant was able to put in line about the same proportion, exclusive of the reinforcements that came up during the night.

There are no means of determining the comparative

<sup>61</sup> *Southern Historical Society Papers*, Vol. XVI, pp. 316-317.

casualties in the two armies on the first day, but there is no reason for doubting that they were substantially equal — exclusive of the capture at the Hornets' Nest. It is known, however, that the casualties among field officers, from the grade of colonel upward, were greater in the Union than in the Confederate army in Sunday's battle.

Much has been said about the "stragglers" from the Union lines crowding the Landing and "cowering" under the river bluffs — and with about the same degree of exaggeration as certain writers have indulged in their descriptions of the opening of the battle. There were "stragglers" from both armies, and there is no reason to doubt that the numbers were substantially equal. It is true, however, that the straggling was more in evidence on the Union side, for the very good reason that it was more concentrated — confined to a limited area about the Landing — while on the other side there was unlimited room for expansion and scattering over miles of territory. This remark applies with equal force to other features of the crowded condition near the Landing, late in the day. Hundreds of teamsters with their four-mule and six-mule teams were there because it was the only place of safety for one of the essential parts of the army's equipment; the sick from the regimental hospitals and company tents were there — several hundred of them — because there was no other place to go; and hundreds of wounded were there from the front, together with a force of hospital attendants. Add these together and you have several thousand without counting a single "straggler". These things are never considered by critics who have a cause to support. Every large army requires a small army to care for it, who are, necessarily, noncombatants.



## BUELL COMES ON THE FIELD

By General Orders of March 31st, General Grant's headquarters were transferred from Savannah to Pittsburg Landing; but a headquarters' office was continued at the former place for convenience up to the day of the battle, and General Grant passed between the two places every day, or nearly every day, on the headquarters' boat, Tigress. On Sunday morning, at Savannah, an "early breakfast" had been ordered, as it was General Grant's purpose to ride out with his staff to meet General Buell, whose arrival the evening before was not known. While at breakfast, firing was heard in the direction of Pittsburg Landing — "the breakfast was left unfinished" and General Grant and staff went directly to the boat and steamed rapidly up the river, stopping at Crump's Landing to order General Lew. Wallace to hold his division in readiness for marching orders.

Before leaving Savannah General Grant sent to General Nelson of Buell's army, the following order: "An attack having been made on our forces, you will move your entire command to the river opposite Pittsburg".<sup>62</sup> A similar order was sent to General Wood, commanding another division of Buell's army, not yet arrived at Savannah, to move "with the utmost dispatch to the river" at Savannah, where boats would meet him. The following note was left for General Buell whose presence in Savannah was not known to General Grant:

SAVANNAH, April 6, 1862

General D. C. BUELL:

Heavy firing is heard up the river, indicating plainly that an attack has been made on our most advanced positions. I have been looking for this, but did not believe that the attack could be made before Monday or Tuesday. This necessitates my joining the

<sup>62</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 95.



forces up the river instead of meeting you today, as I had contemplated. I have directed General Nelson to move to the river with his division. He can march to opposite Pittsburg.

Respectfully, your obedient servant,

U. S. GRANT

Major-General Commanding.<sup>63</sup>

This note clearly shows that General Grant, in common with his division commanders, was expecting an early attack.

As soon as General Grant, after arriving on the field, learned the true situation, he sent a staff officer with another order to General Nelson: “. . . you will hurry up your command as fast as possible. All looks well but it is necessary for you to push forward as fast as possible”.<sup>64</sup> Later still, probably about noon though it may have been later, nothing having been heard either from Buell or Nelson, General Grant sent another hurry-up order addressed to the “Commanding Officer Advance Forces (Buell’s Army)”. This order was delivered to General Buell on the boat as he was going to the Landing. He arrived at the Landing, he tells us in *Shiloh Reviewed*, about 1 o’clock, though Villard, who claims to have been on the same boat, makes the time later, between 5 and 6 o’clock, about the time that Nelson’s advance crossed the river. And there are certain features of Buell’s official report which, in the absence of a definite statement on the point, make Villard’s claim as to the hour at least plausible.

General Grant’s first order to General Nelson must have been received as early at 7 o’clock — probably earlier, for Nelson had the order when General Buell, after hearing the firing, went to General Grant’s headquarters for information, where he learned that the latter had “just started for the Landing”.<sup>65</sup>

<sup>63</sup> *War of the Rebellion: Official Records*, Vol. LII, Part I, p. 232.

<sup>64</sup> *War of the Rebellion: Official Records*, Vol X, Part II, pp. 95-96.

<sup>65</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 292.

General Nelson in his official report does not state the hour of receiving the order to march, but says that he "left Savannah, by order of General Grant, reiterated by General Buell in person, at 1.30 p. m."<sup>66</sup> The language is a little ambiguous, but it doubtless means that the order was "reiterated" about noon or later and that the march began at one-thirty, afternoon.<sup>67</sup> (Colonel Ammen says at one, afternoon.)

Villard, heretofore quoted, says that Nelson received Grant's order about noon, by which he probably means the "reiterated" order. In any event it appears that General Buell "held up" the order to Nelson fully five hours and then "reiterated" it. Why did General Buell do that? Why did General Nelson wait to have the order "reiterated"? Why did he not obey the original order regardless of any dilatory order from General Buell, since the contingency had arisen under which by General Halleck's instructions General Grant was "authorized to take the general command" of both armies; namely, an attack upon his own army? Had General Nelson marched under the original order, his division would have been on the field at about the time that it started on the ten-mile march. What might have been the effect of throwing 4,500 fresh men in the scale of battle, then hanging in doubtful poise, is, of course, conjectural — and it must be left to conjecture, though there is little room for doubt.

General Nelson's entire division was across the river soon after dark. Advancing a little to the front on the extreme left it bivouacked for the night. A little later General Lew. Wallace came up on the extreme right, his division numbering about 5,000 men; but having to counter-march the division in order to bring the regiments in proper position his

<sup>66</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 323.

<sup>67</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 323.

formation was not completed until after midnight when it went into bivouac.

During Sunday night Crittenden's division of Buell's army (two brigades) came up by boat, and in the morning two brigades of McCook's division arrived, to be joined about noon by another brigade. Wood's division, which was about thirty miles away when the battle began, arrived on the field at about two afternoon Monday, when the battle was about over. The total additions to the Union lines up to noon on Monday was approximately 20,000 men.

During Sunday's battle General Grant passed from point to point behind the firing line, meeting and consulting with his division commanders and carefully observing the movements of the contending forces, for, as has already been stated, there was no point on the field from which general observations could be made. On Monday he commanded his own army, giving no orders to General Buell, the latter exercising independent command. Why General Grant did not assume "general command" of both armies we might fairly conjecture (if conjecture were necessary) to be due to the attitude of General Buell toward Grant's order to Nelson on Sunday morning — treating it as invalid until "reiterated" by himself. There is no room for conjecture in the matter, however, for General Buell says in his *Shiloh Reviewed*<sup>68</sup>: "I did not look upon him [Grant] as my commander". There is evidence also that Buell was disposed to treat the subject of Sunday's battle as something of a sham — that the resistance to the Confederate attacks was not particularly strenuous. General Tuttle of Grant's army, acted on Monday as reserve to General Buell, having under his command the two Iowa Regiments that cut their way out of the Hornets' Nest on Sunday, and one or two other regiments of Grant's army. General Tuttle relates

<sup>68</sup> *The Century Magazine*, Vol. XXXI, p. 771.



that "while passing over the field, April 7th", following up the advancing lines, "General Buell taunted me with not having done any fighting that amounted to anything [on Sunday]." When they came to the "clearing" in front of the Hornets' Nest and saw the ground strewn with dead, Buell "was compelled to confess that there must have been terrible fighting". Had General Buell passed over the ground at the Peach Orchard and over the slope in front of Sherman's first line, he would have found similar conditions to those in the "clearing" in front of the Hornets' Nest. His estimate of the vigor of the Confederate attacks on Sunday was probably based upon the feeble attack made by exhausted men which he himself saw near the Landing on Sunday night.

In Monday's battle General Buell's army constituted the left and General Grant's the right, with General Lew. Wallace's fresh division occupying the extreme right of the line — and it is worth mentioning here that at least two of Grant's regiments were sent before the battle was over to the extreme left, and one of them, under command of General Nelson, made a bayonet charge across an open field. Another of Grant's regiments, under Crittenden and near the center, charged and captured a battery. In neither case was it necessary for General Grant to "reiterate" the requisite orders.

As to the outcome of the contest on Monday there could be no doubt, with the large accession to the ranks of the Union army — a force nearly equal to the number of men that the Confederates were able to put in line. General Grant had instructed his division commanders on Sunday night to be ready to attack early in the morning, and General Buell ordered his divisions "to move forward as soon as it was light". Artillery fire began nearly at the same time — about five-thirty — on the extreme flanks of the Un-



ion army, though the lines were not in contact until about eight o'clock. It would not be correct to characterize the movements of the Union lines on Monday as General Beauregard characterized the movements of the Confederate lines on Sunday — the figure of the "Alpine avalanche" would not apply to the movements of either day. However, the Union lines moved forward without serious repulses at any point, though there were some reverses on the left. The Confederates held their ground with stubbornness, occupying the line of the Purdy road until about noon. By two o'clock the battle was practically over, and an hour later the Confederates were in full retreat. Map No. VII will give a good idea of the general movements, on Monday. There was no general pursuit of the defeated army — just enough to be sure that it was a retreat in fact. The lack of pursuit was not, however, because Grant lacked "the energy to order a pursuit", as John Codman Ropes alleges, but because Halleck's instructions did not permit pursuit;<sup>69</sup> hands were still "tied".

#### NUMBERS ENGAGED AND LOSSES

There are two methods of estimating the strength of an army — one method excludes all noncombatants, the other includes noncombatants as essential parts of the army. On the inclusive method, the Historian and Secretary of the Shiloh National Military Park Commission<sup>70</sup> gives the strength of Grant's five divisions on Sunday at 39,830, and that of Johnston's army at 43,968.<sup>71</sup> In a note<sup>72</sup> in which he excludes noncombatants, the estimate is 33,000 and 40,000 respectively. The figures last given correspond with the

<sup>69</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 97, 104.

<sup>70</sup> Reed's *The Battle of Shiloh*, p. 98.

<sup>71</sup> Reed's *The Battle of Shiloh*, p. 110.

<sup>72</sup> Reed's *The Battle of Shiloh*, p. 112.

estimates of the two commanders — Grant in his *Memoirs*, and Johnston in his dispatch from Corinth, when about to march. In artillery, Johnston had one hundred and twenty-eight guns and Grant one hundred and twelve. Had Wallace's division come upon the field early on Sunday the two armies would have been very evenly matched, both in men and guns. On the second day, including noncombatants and "stragglers", the figures given are: Union, 54,592; Confederate, 34,000.<sup>73</sup> The complete and accurate losses of the respective armies for the respective days have never been, and cannot be, stated. The losses of Grant's army by divisions, two days (except 3d division one day) were as follows:

	Killed	Wounded	Prisoners	Total
1st division, McClelland . . . . .	285	1,372	85	1,742
2nd " W. H. L. Wallace . . . . .	270	1,173	1,306	2,749
3d " Lew. Wallace . . . . .	41	251	4	296
4th " Hurlbut . . . . .	317	1,441	111	1,869
5th " Sherman . . . . .	325	1,277	299	1,901
6th " Prentiss . . . . .	236	928	1,008	2,172
Unassigned . . . . .	39	159	17	215
<hr/>				
Total Army Tenn. . . . .	1,513	6,601	2,830	10,944 <sup>74</sup>
Army of the Ohio, Monday — <sup>75</sup>				
2nd division . . . . .	88	823	7	918
4th " . . . . .	93	603	20	716
5th " . . . . .	60	377	28	465
6th " . . . . .	..	4	..	4
<hr/>				
Total . . . . .	241	1,807	55	2,103
Grand total . . . . .	1,754	8,408	2,885	13,047
Army of Miss. (Confederate) . . . . .	1,728	8,012	959	10,699 <sup>76</sup>

<sup>73</sup> Reed's *The Battle of Shiloh*, p. 110.

<sup>74</sup> Reed's *The Battle of Shiloh*, p. 98.

<sup>75</sup> Reed's *The Battle of Shiloh*, p. 102.

<sup>76</sup> Reed's *The Battle of Shiloh*, p. 110.

The killed in the two days' battle are almost exactly equal; the wounded are in excess by nearly four hundred, in the Union army; and there was in the Union army an excess in prisoners, of 1,926. Eliminating the prisoners taken in the Hornets' Nest, it appears that more prisoners were taken in the open field by the Union army than by the Confederates. The loss in officers in Grant's army on Sunday from the grade of colonel up was much heavier than in the Confederate army — forty-five in the former to thirty in the latter.<sup>77</sup>

#### THE LOST DIVISION

So much has been written and said about the failure of General Wallace to get his division on the field and into the fight on the first day of the battle that the subject deserves a separate paragraph and a map of the roads over which his division marched. By reference to the map (No. VIII) it will be seen that the division occupied three camps — one brigade at Crump's Landing; one at Stonylonesome, two to three miles west; and one at Adamsville, about five miles out from the Landing toward Purdy. There is no dispute about the fact that Grant on his way up the river on Sunday morning stopped at Crump's Landing to notify Wallace to be in readiness for marching orders, though Wallace makes no mention of the fact in his official report, leaving it to be inferred that he had no order from Grant in the morning. He says that from the "continuous cannonading" he "inferred a general battle"; that he was in "anticipation of an order"; and that he ordered his first and third brigades to "concentrate" on the second at Stonylonesome.<sup>78</sup> In his *Autobiography* General Wallace says that he was satisfied before six o'clock, from the firing "up

<sup>77</sup> Reed's *The Battle of Shiloh*, p. 23.

<sup>78</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 170.

the river'', that the battle was on; and he says that at about seven o'clock, his concentration of brigades began. The official records show that this order was not carried out, for the third brigade did not move from Adamsville until about two-thirty afternoon, when it fell in behind the first and second brigades on the march toward Snake Creek bridge, and did not join them at Stonylonesome.

About a year after the Battle of Shiloh, General Wallace had occasion to refer to the movements of his division, on that Sunday in explaining to the Department Commander the reasons for the lateness of his arrival on the field; and in his explanation he incidentally referred to Grant's call at Crump's Landing on Sunday morning, fixing the time at "about nine o'clock".<sup>79</sup> General Grant and members of his staff fixed the time at seven to seven-thirty o'clock.

No special importance is to be attached to this difference in time, however, for it had no important bearing on subsequent events—it is mentioned only because it may justify a doubt as to the recollection of General Wallace in fixing the time at which he received final marching orders; namely, "11:30 a. m." It was the belief of General Grant and members of his staff that the order must have been received from a half hour to an hour earlier; though General Wallace's statement is now generally accepted. The form of order sent to Wallace can never be definitely settled, as it is nowhere a matter of record, and the original was lost in the hands of General Wallace, or through the fault of his Adjutant General.

During the year after the Battle of Shiloh, there was much criticism of General Wallace, to which he, of course, made defence. And so General Grant requested his Assistant Adjutant General, Colonel Rawlins, Colonel McPherson, Halleck's chief engineer, and Captain Rowley of

<sup>79</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 175.



his staff, each of whom had knowledge of General Wallace's movements on Sunday, to write out in detail their recollections, to be submitted to the Department Commander. Each wrote quite fully about one year after the battle, Colonel Rawlins reproducing from memory the order dictated by him as he claims, to Captain Baxter, which order was carried by the latter to Wallace. Following is the order from memory:

MAJOR-GENERAL WALLACE:

You will move forward your division from Crump's Landing, leaving a sufficient force to protect the public property at that place, to Pittsburg Landing, on the road nearest to and parallel with the river, and form in line at right angles with the river, immediately in rear of the camp of Maj. Gen. C. F. Smith's division on our right, and there await further orders.<sup>80</sup>

Captain Baxter started by boat to deliver the order "not later than nine o'clock", according to Colonel Rawlins, and reported back to Grant before "12 o'clock m."

In his official report, dated April 12, 1862, General Wallace says: "At 11.30 o'clock the anticipated order arrived, directing me to come up and take position on the right of the army and form my line of battle at a right angle with the river."<sup>81</sup> Writing a year later to General Halleck, explaining the reasons for his late arrival on the field, he said: "At exactly 11:30 a. m., a quartermaster by the name of Baxter brought me an order in *writing unsigned by anybody*", the bearer of the order explaining that he received it verbally and put it in writing while on the boat.

In his *Autobiography*, General Wallace enlarges somewhat on the subject of this order, and says that it was written on paper discolored with tobacco stains and bore the imprint of boot-heels; and he says that Baxter told him that

<sup>80</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 185.

<sup>81</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 170.

the paper was picked up from the floor of the ladies' cabin, on the steamboat. The original order having been lost, Wallace gives the following from memory:

You will leave a sufficient force at Crump's Landing to guard the public property there: with the rest of the division march and form junction with the right of the army. Form line of battle at right angles with the river, and be governed by circumstances.<sup>82</sup>

The Rawlins form of order was reproduced from memory within one year after the event; that of Wallace, many years after — possibly forty years. Aside from the precise road mentioned and the precise position on the field designated in the Rawlins order, the two are strikingly similar — sufficiently so to suggest that the former, which had long been in print, may have been consulted to refresh the memory in preparing the latter.

Referring again to the events of Sunday as related by Colonel Rawlins, it appears that about an hour after Captain Baxter started by boat with orders to General Wallace, Grant sent a cavalry officer, familiar with the road, with a verbal message to Wallace "to hurry forward with all possible dispatch." This officer reported back to Grant, between twelve and one o'clock, that Wallace declined to move without written orders. According to Rawlins, Captain Baxter reported back about 12 o'clock; that he delivered the orders to Wallace at about ten o'clock; that Wallace read the memorandum handed him by Captain Baxter and "appeared delighted".<sup>83</sup>

Immediately after the report of the cavalry officer that Wallace declined to move without written orders (Baxter's written order had not yet been delivered), Captain Rowley of Grant's staff was ordered to take the cavalry officer and

<sup>82</sup> Wallace's *Autobiography*, Vol. I, p. 463.

<sup>83</sup> *War of the Rebellion: Official Records*, Series I, Vol. X. Part II, pp. 185-186.

two orderlies and carry instructions to Wallace, with authority to put the instructions in writing and sign them, if necessary.<sup>84</sup>

Captain Rowley's account of this incident is more in detail than that of Colonel Rawlins. Rowley corroborates Rawlins as to the report of the cavalry officer and says that Grant, after hearing the report, turned to him (Rowley) and said: "Captain, you will proceed to Crump's Landing and say to General Wallace that it is my orders that he bring his division up *at once*, coming up by the River road, crossing Snake Creek on the bridge". Captain Rowley says he was authorized to put the orders in writing and properly sign the same, should General Wallace require it. He was instructed to take the cavalry officer and two orderlies with him with the further instruction: "see that you do not spare horse flesh."<sup>85</sup> Captain Rowley gives the time of his starting on this mission at about twelve-thirty o'clock. Colonel Rawlins fixes it at "not later than 1 o'clock p. m."

Captain Rowley's party rode directly to Wallace's headquarters at Crump's Landing, to find "no signs of a camp except one baggage wagon that was just leaving."<sup>86</sup> (The brigade had marched west to Stonylonesome in the morning.) Getting directions from the driver of the wagon, the party followed the road taken by Wallace and overtook the rear of the division some five or six miles out. The division was "at a rest, sitting on each side of the road". Riding forward to the head of the column, Wallace was found "sitting upon his horse, surrounded by his staff". Although it is not so stated, it is fair to assume that the division was at rest while the cavalry was scouting to the front, as Wal-

<sup>84</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, pp. 185-186.

<sup>85</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 179.

<sup>86</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 179.



lace believed that he was approaching the crossing of Owl Creek, near the right of the army as it was in the morning, and where he might expect trouble.

Captain Rowley delivered his orders and stated that it had been reported to Grant that he (Wallace) had declined to march without written orders, which according to Rowley, Wallace denounced as a "damned lie!" Wallace claimed that he had taken the "*only road he knew anything about,*"<sup>87</sup> leading in the direction of the right of the army. On learning the real situation, Wallace ordered his division to counter-march for the purpose of reaching the river road by a short-cut if possible. Captain Rowley remained with the division, acting as guide.

When Captain Rowley left the field with orders to Wallace, it was supposed that the head of the column would be found only a short distance north of Snake Creek bridge, and that Wallace would soon be in the precise position where he was expected to be, and where his presence was most needed. Two o'clock came, but no information from Wallace. Grant then sent two of the principal members of his staff, Colonel Rawlins, Assistant Adjutant General, and Colonel McPherson, Chief Engineer, to find the lost division.

These officers rode directly to Crump's Landing, not knowing whether the division had left its camp. Following directions given them there, they came upon the division counter-marching on a cross-road to the river road, at about three-thirty afternoon. Colonel Rawlins repeated to Wallace the reported refusal to march without written orders, and Wallace repeated the denial. In regard to the road taken, Wallace said, according to Rawlins, that his guide had misled him.

Soon after Rawlins and McPherson came up with the

<sup>87</sup> *War of the Rebellion: Official Records, Series I, Vol. X, Part I, p. 180.*



head of the column it was halted, as Rawlins states it, "for a considerable length of time, to enable it to close up and rest". There was another delay when near Snake Creek bridge "for full half an hour" while changing the position of the artillery in the column.<sup>88</sup>

The three officers, Rawlins, McPherson, and Rowley, agree in stating that the march of the column was very slow, and that no urging of the terms of Grant's order or the seriousness of the situation seemed to have any effect. According to Rawlins, the speed was less than "a mile and a half an hour" after he joined the column, though "the roads were in fine condition; he was marching light; his men were in buoyant spirits, . . . and eager to get forward."<sup>89</sup>

Whatever the form of the order from General Grant to General Wallace, and however it may have been interpreted, Wallace's march began from Stonylonesome at twelve o'clock, noon, with two brigades, over the Shunpike road toward Owl Creek bridge, the third brigade falling in the rear where the road intersects from Adamsville. Captain Rowley came up to the head of the column "at rest," north of and overlooking Clear Creek valley, not Owl Creek as Wallace supposed — he was still more than three miles from Owl Creek, and the rear of the column was still at Adamsville. The counter-march began from the north side of Clear Creek, at a point marked "Smith's" (Map VIII). It was necessary for the head of the column to march back about two and a half miles to find a cross-road, then about the same distance on the cross-road, before the rear could move; so it was well along in the afternoon when the last files of the third brigade left Adamsville. Colonel Rawlins and Colonel McPherson came up with Wallace on the cross-

<sup>88</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 187.

<sup>89</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part II, p. 188.

road at about three-thirty afternoon, as heretofore stated.

From a glance at the map (VIII) showing the roads north of Snake Creek and the relation of the roads to the battle field, it appears that the shortest possible route from Wallace's camps to the right of the army (as it was even on Sunday morning) was by the river road and Snake Creek bridge (Wallace bridge on map). Not only was the road by Owl Creek bridge much longer, but the crossing was more hazardous in case the enemy succeeded in securing the crossing and planting a battery, for the approach from the North was through a swampy valley, heavily timbered and with dense undergrowth, along a narrow road where deployment was impossible and where the column would be exposed to direct artillery fire for a distance of nearly a mile.

Had General Wallace been familiar with the roads covering the territory which it was his special province to guard, no guide could have misled him, and he would not have said that he was on "the *only* road he knew anything about". His position at Crump's Landing was as much exposed to attack as was the camp at Pittsburg Landing, and he was as likely to need support as he was to be called on for support. It was of the utmost importance for the safety of his own command that he know the shortest and best road between the two camps.

Forty years after the event General Wallace was forced to confess that he had all that time been laboring under a mistake as to the position of the head of his column when the order was given to counter-march. He had all this time supposed that he was overlooking Owl Creek at the right of Sherman's lines when Captain Rowley came up and found his division "at rest", while his cavalry was scouting to the front. Instead of overlooking Owl Creek, he was overlooking the valley of Clear Creek three or four

miles to the north. Of these facts General Wallace was convinced, not long before his death, by a personal inspection of the territory and the roads over which his division marched, in company with the Secretary and Historian of the Shiloh National Military Park Commission, several of his own officers, with citizens living in the locality, and with a Confederate cavalry officer who was watching his movements on that Sunday.

Strangely, General Wallace allowed this confessed error to stand in his *Autobiography*, with only partial correction.

It seems not to be generally known, though it has been matter of official record since 1863, that General Wallace in view of General Grant's criticism of his (Wallace's) conduct at Shiloh, asked of the Secretary of War a court of inquiry. The date of the request was July 18th, 1863; but on September 16th following, the Secretary of War was asked to "suspend action in the matter", General Wallace stating that he might be able to "satisfy General Grant upon the points involved".<sup>90</sup> It was on the advice of General Sherman that the request for a court of inquiry was withdrawn, and the request was never renewed, though General Grant had found no reason to modify his original criticism, down to the time of writing the chapter on Shiloh, for his *Memoirs*.<sup>91</sup> After the writing of that chapter, however, a letter came into General Grant's hands, written by General Lew. Wallace to General W. H. L. Wallace, dated April 5, 1862 (correct date April 4th). In this letter General Grant finds reasons for "materially" modifying the criticisms upon General Wallace, as they appear in the chapter itself, appending a foot-note thereto by way of explanation.<sup>92</sup>

<sup>90</sup> *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, pp. 188-190.

<sup>91</sup> *Personal Memoirs of U. S. Grant*, Vol. I, pp. 337-338.

<sup>92</sup> *Personal Memoirs of U. S. Grant*, Vol. I, p. 351.

The writer hereof is impressed with the idea that it was the promptings of General Grant's generous nature, rather than the contents of the letter that prompted the foot-note. It is not entirely clear, in view of the admissions made by General Wallace in his *Autobiography*, that the letter from General Lew. Wallace to General W. H. L. Wallace does not furnish additional ground for censure. At the moment of writing the letter the author of it must have been "simmering" in his mind the knowledge that the Confederate army was then on the march to attack Grant; and yet there was no mention in the letter of that important fact. The reader must draw his own conclusions.

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## SOME PUBLICATIONS

*The Repeal of the Missouri Compromise: Its Origin and Authorship.* By P. ORMAN RAY. Cleveland: The Arthur H. Clark Company. 1909. Pp. 315.

Mr. Ray's book is written for the purpose of presenting a new explanation of the "circumstances under which the repeal of the Missouri Compromise was conceived" and of the reasons why the repeal occurred in 1854, when a period of quiet prevailed in the national discussion of slavery. His thesis involves the proposition that Senator David R. Atchison of Missouri and not Stephen A. Douglas originated the repeal, that it was thrust upon Douglas at a late hour and unexpectedly to him, and that he became the medium by which it was presented because of pressure brought to bear upon him and not upon his own initiation. The author reaches his conclusions after turning away from the pages of the *Congressional Globe* and making a study of political conditions in the State of Missouri during the years immediately preceding 1854. Here an intensely bitter struggle was in progress between factions of the Democratic party. Thomas H. Benton, displaced from the United States Senate after thirty years of service, was making desperate efforts to regain his seat in that body and hold his position of influence in the Democratic party. His most bitter opponent was David R. Atchison, United States Senator from the same State. The struggle resolved itself into a personal struggle in which the political future of Benton and Atchison seemed to be at stake.

Benton in his campaign utterances plunged into an enthusiastic advocacy of a railroad to the Pacific by a central route passing through Missouri and the unorganized territory to the west, and with this popular measure he associated as an indispensable aid the organization of the Territory of Nebraska. Representing Atchison as opposed to these measures he threw the latter upon a defensive fight with the odds against him. Atchison came back with

a statement that he favored the organization of Nebraska but that he would never vote for it unless the restriction upon slavery imposed by the Missouri Compromise should be withdrawn from the Territory to be so organized.

This announcement left both men in favor of Nebraska Territory. But Benton, with his free-soil tendencies, was advocating it upon the assumption that, by reason of the Missouri Compromise, freedom must prevail, while Atchison was sworn to oppose it unless slaves could be introduced by southern owners.

When Congress convened in 1853 Atchison was in the Senate and Benton in the House. The agitation for Nebraska had been so active that there was no doubt that it would be a prominent subject for Congressional action. Douglas, who was and had been for years Chairman of the Committee on Territories, had just returned from an extended European tour, and a letter written shortly before the session began gave no indication that he realized the proportions to which the Nebraska question had grown. He had been strong in his adherence to the Missouri Compromise, was almost at the beginning of a term in the Senate, and must have known that the opening of the slavery question by such a measure as the repeal of the Missouri Compromise, would react strongly against his political career. He would not in the nature of things (asserts the author) be anxious therefore to initiate such legislation. For David R. Atchison, however, the repeal would bring only benefits. It would make possible his voting for the organization of Nebraska, and would force Benton to either go back on the measure he had so strenuously advocated or else vote for the repeal of the Compromise, and violate his free soil principles.

Such, in a nutshell, was the condition as outlined by Mr. Ray, up to the time of the preparation of the bill. He goes on to give evidence showing the method by which Atchison prevailed upon Douglas to insert in the Kansas-Nebraska bill, as it came from his committee, a clause definitely repealing the restriction of the Missouri Compromise.

However Mr. Ray's conclusions may be accepted, he is at least to be thanked for presenting, largely from the original sources, a phase of the history of the Missouri Compromise that is distinctly

important. And his closing sentences are worthy of notice. "It [the narrative of the struggle] establishes the essential importance of a careful study of State politics in order to arrive at a satisfactory solution of not a few problems in national politics. It is a concrete illustration of the 'significance of the frontier' in American political history."

JOHN CARL PARISH

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*Collections of the Illinois State Historical Library.* Volume IV.

Edited by EVARTS BOUTELL GREENE and CLARENCE WALWORTH  
ALVORD. Springfield: Illinois State Historical Library. 1909.  
Pp. xxxiii, 317. Portraits.

Anyone who has had occasion to study the history of Illinois during the early years of statehood will realize the value of this volume, which contains *The Governors' Letter-Books 1818-1834*. The adaptation of State government to the needs of a frontier community, and the working out of forms which are characteristic of the Commonwealths of the middle west, as well as of those which are peculiar to Illinois, find illustration in these letters of the early Governors, who played an important part in shaping the affairs of the State which they guided in its infancy.

Shadrach Bond, the first Governor of the State of Illinois, was a Marylander by birth who had come to the western land in 1794 and had taken an active part in the political life of the succeeding Territorial governments in the Illinois country. He, therefore, had a thorough knowledge of the new State. His letter-book, covering the years from 1818 to 1822, occupies only thirty pages, and while perhaps less interesting than some of the later ones, it reveals the "substantial, farmer-like man, of strong, plain, common sense," which a contemporary described Governor Bond to be.

The letters of Edward Coles, the second Governor, are more numerous than those of his predecessor, and give evidence of the wider knowledge of the writer. Large subjects such as the bank-

ing system, internal improvements, and the building up of educational institutions, are all touched upon in these letters written between 1822 and 1826.

For the four years following 1826 came Ninian Edwards, who had already rendered efficient service to the people of the Illinois country as Territorial Governor from 1809 to 1819, and as one of the first two United States Senators from the Commonwealth. Fully half of the letters of Governor Edwards here printed relate to financial matters, and especially to the affairs of the State Bank. The removal of the Indians is another subject which receives some consideration.

John Reynolds, the last Governor whose letters are printed in this volume, was a man of less enviable record than the three men who preceded him. Correspondence relative to the Indian troubles which culminated in the Black Hawk War constitutes the most interesting part of his letter-book.

The volume ends with a chronological list of letters and an excellent index, both of which are almost indispensable to the student. The editors are to be congratulated upon having made accessible this valuable material illustrative of early Illinois and western history.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*A History of Norwegian Immigration to the United States from the Earliest Beginning Down to the Year 1848.* By GEORGE T. FLOM. Iowa City: Privately printed. 1909. pp. 407. Map.

Nearly fifteen years ago Rasmus B. Anderson gave to the world his *First Chapter of Norwegian Immigration, 1821-1840*. This bulky volume, copiously supplied with names and portraits, was no doubt prepared especially for the pleasure and appreciation of early Norwegian pioneers. Dr. Flom, however, has finished a study of immigration which, largely based on the account of his predecessor, and on much material in the Norwegian language, appeals



more directly to those who have an interest in studies of emigration and colonization for their own sake without being impelled or hindered by strong feelings of national pride and national vanity.

For the ordinary reader who is neither Norse by birth nor parentage, Dr. Flom has recorded the story of the causes, course and progress of emigration from rugged Norway to various parts of the United States. The author briefly describes the fatherland and summarizes the names of individuals who are known to have migrated before 1825. Then follows a narrative of the beginnings and growth of settlements in New York, Illinois, Wisconsin, and Iowa. To one who is interested chiefly in the movement as such, the large number of proper names is of comparatively little importance. To such an one unfortunately the index will prove of inadequate value. The author has brought much enthusiasm to bear upon his researches into the subject. It is to be hoped that he will keep his promise to prepare a companion volume on the social, economic, and religious phases of a life with which he has been so intimately associated.

J. VAN DER ZEE

THE STATE UNIVERSITY OF IOWA  
IOWA CITY

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## AMERICANA

### GENERAL AND MISCELLANEOUS

The fourth and concluding volume of the *Bibliography of State Publications* by R. R. Bowker, has appeared.

The July *Bulletin of the Virginia State Library* contains a *Finding List of Geography, Anthropology, Hydrography*.

*Railway Statistics of the United States of America for the Year Ending June 30, 1908*, have been prepared by Slason Thompson, and printed by Donnelley & Sons of Chicago.

The *Report of the Fifteenth Annual Meeting of the Lake Mohonk Conference on International Arbitration* is filled with interesting discussions of various phases of the subject.

The *Index to Legislation 1908*, prepared by Clarence B. Lester, Legislative Reference Librarian of the New York State Library, and published by the University of the State of New York, is a very useful volume.

*Legislative and Judicial History of the Fifteenth Amendment* is the title of a monograph by John Mabry Mathews, which comprises a recent number of the *Johns Hopkins University Studies in Historical and Political Science*.

*The Year Book of the Pennsylvania Society, 1909*, contains the transactions of the Society during the past year, the addresses delivered on various occasions, a number of portraits and cuts, and much general information concerning the Society.

The Education Department of the State of New York has issued two neat booklets describing the *Lake Champlain Tercentenary*, which was celebrated July 4-10, 1909; and the *Hudson-Fulton Celebration*, which extended from September 25 to October 9, 1909.

The third volume of the *Anthropological Papers of the American Museum of Natural History* comprises a number of monographs grouped under the heading, *The Indians of Greater New York and the Lower Hudson*. The volume is edited by Clark Wissler.

The July number of *The National Civic Federation Review* contains an excellent article on *Problems of American Legislation*, by Charles H. McCarthy, of Wisconsin. There is also a discussion of the *Insidious Methods of the Socialist Press Propaganda*, by Roland P. Phillips.

Among the contributions to the June number of the *Political Science Quarterly* are: *The Growth of Judicial Power*, by W. F. Dodd; *Sectionalism in Pennsylvania During the Revolution*, by W. Roy Smith; and *College Women and Race Suicide*, by Charles Franklin Emerick.

In *The Survey* for August 28 there is an interesting discussion of *Congress and the District of Columbia*, by Henry S. Curtis. In the number for September 18 may be found *Russia's Message: A Hitherto Unpublished Review from the Pen of the Late Samuel June Barrows*.

A recent bulletin of the United States Bureau of Education is devoted to *Statistics of Public, Society, and School Libraries*. Here may be found information concerning nearly two thousand three hundred libraries, each of which contained five thousand volumes or over in 1908.

*The Essex Antiquarian* for July contains an article by John Robinson on *The Pre-Historic Relics of Essex County*; a list of *Ipswich Inscriptions: Linebrook Parish Cemetery*; and an article on *Salem and Marblehead in 1700*, by Sidney Perley, besides a number of genealogical contributions.

*The Documentary History of American Industrial Society*, to be published in ten volumes, has been announced by The Arthur H. Clark Company. The editors of this important work are Professors John R. Commons, Ulrich B. Phillips, Eugene A. Gilmore, Helen L. Sumner, and John B. Andrews.

*Absolute Immunity in Defamation: Judicial Proceedings*, by Van Vechten Veeder; *Individual Liability of Stockholders and the Conflict of Laws*, by Wesley Newcomb Hohfeld; and *The Commodities Clause Decision*, by an anonymous writer, are the articles in the June number of the *Columbia Law Review*.

Following the policy inaugurated last year a bibliographical volume of *Writings on American History 1907* has been issued. Like its predecessor the volume is compiled by Grace Gardner Griffin, and the general plan of presentation is the same as that employed in the volume on the writings for the year 1906.

Two publications of the *Litchfield County University Club*, of Connecticut, which have appeared during the past year are: *The County Regiment*, by Dudley Landon Vail; and *The Clergy of Litchfield County*, by Arthur Goodenough. Like all the publications of the Club these volumes are handsomely bound and neatly printed.

*Under Uncle Sam's Nose* is the title given to two articles by Edwin Emerson which may be found in the June and July numbers of *Uncle Sam's Magazine*. In these articles Mr. Emerson brings to light a number of startling facts concerning the treatment of

Americans in Central America. In both issues of the Magazine there are a number of short sketches by J. Madison Drake, under the heading of *American Deeds of Valor*, and a series of *War Time Episodes* told by veterans.

In the July number of the *Bulletin of the American Geographical Society* there is an article on *The Messina Earthquake*, by William Herbert Hobbs, in which comparisons are made with former earthquakes in the same region. There is also printed an address by Ellen Churchill Semple on *The Operation of Geographic Factors in History*.

The July number of *The Scottish Historical Review* contains a number of interesting articles, among which may be mentioned: *Scotland in the Eighteenth Century*, by P. Hume Brown; *A Scot in France in 1751*, by A. Francis Steuart; *Ecclesiastical Persecution in the Seventeenth Century*, by Robert Lamond; and a continuation of the *Chronicle of Lanercost*, by Herbert Maxwell.

Adolphe Landry is the writer of an article entitled, *On the Returns of Productive Agents and on the Productivity of Capital in Particular*, in the August number of *The Quarterly Journal of Economics*. Other contributions are: *Proportions of Factors—Advantage and Size*, by H. J. Davenport; *The Railway Situation in Italy*, by Filippo Tajani; and *The Decline in the Ratio of Banking Capital to Liabilities*, by Wesley C. Mitchell.

*John Quincy* is the title of an address delivered at Quincy on Sunday, February 23, 1908, under the auspices of the Quincy Historical Society, by Daniel Munro Wilson. This address, which was prepared in collaboration with Charles Francis Adams, has been extended and printed in a neat little volume, with numerous illustrations. It forms a worthy appreciation of one of Massachusetts' lesser statesmen during the provincial period.

*Readings on American Federal Government*, edited by Paul S. Reinsch, is a source book in political science which supplies a long felt need. The selections, or readings, are accounts by men who have engaged in or witnessed the occurrences described. They embrace such material as speeches by Representatives and Senators on



the powers of the Executive, relations of Executive to Congress, the legislative process, and departmental activities. There are also addresses by prominent federal judges on the organization and work of the courts; extracts from messages of the Presidents, reports of departments, and court decisions; and essays by prominent men on different aspects of the operation of government. The volume will prove valuable to both teachers and students.

Maurice H. Robinson is the writer of an article on *Railway Freight Rates: The Legal, Economic, and Accounting Principles Involved in their Judicial Determination*, in the August number of *The Yale Review*. Lester W. Zartman discusses *Discrimination and Coöperation in Fire Insurance Rating*; while other articles are: *The Causes of Emigration from Greece*, by Henry Pratt Fairchild; and *The Significance of Advertising*, by Frederick Dwight.

*The History Teachers' Magazine* is the name of a new periodical devoted to the interests of teachers of History, Civics, and related subjects. The *Magazine* is published at Philadelphia and the initial number appeared in September. *One Use of Sources in the Teaching of History*, by Fred Morrow Fling; *The College Teaching of History*, by George Burton Adams; and *History in the Grades*, by Armand J. Gerson, are among the contributions in the first number.

A number of excellent articles make up the contents of *The South Atlantic Quarterly* for July. *Working for the Common Good: Rural and City Improvement in the South*, by William H. Glasson; *Maryland and the West*, by Bernard C. Steiner; *North Carolina's Priority in the Demand for Independence*, by R. D. W. Connor; and *Proposals for a New Commercial Treaty Between France and the United States*, by George F. Zook, are a few of the subjects discussed.

The May number of *The American Journal of Sociology*, like the March number, is devoted to discussions of various problems connected with the family. The July number contains articles on a variety of subjects. Albion W. Small presents *The Vindication of Sociology*; John Spargo discusses *Christian Socialism in America*; while *The Immigrant's Bill of Rights*, by Alcott W. Stockwell; *Public Opinion*, by Walter J. Shepard; "Pap" Singleton, the

*Moses of the Colored Exodus*, by Walter L. Fleming; and *The Pretensions of Sociology*, by Henry Jones Ford, are among the other contributions.

The following are pamphlets issued by the American Association for International Conciliation from May to September, inclusive: *Address by the Honorable Elihu Root*; a discussion of the relations between *The United States and China*, by Wei-Ching W. Yen; the *Opening Address at the Lake Mohonk Conference on International Arbitration*, by Nicholas Murray Butler; *Journalism and International Affairs*, by Edward Cary; and *Influence of Commerce in the Promotion of International Peace*, by John Ball Osborne.

*A Century of Population Growth from the First Census of the United States to the Twelfth, 1790-1900*, is the title of a valuable volume recently issued by the Bureau of the Census. The first fifty pages are devoted for the most part to historical data. Then follow comparative statistics on a variety of subjects, as for instance white and negro population, sex and age of the white population, proportion of children in the white population, interstate migration, foreign born population, and occupations and wealth. Interspersed through the volume are a number of interesting tables showing enumerations of population in North America prior to 1790, and illustrating the various censuses since that time. There are also some instructive maps, diagrams and illustrations which convey in graphic manner much valuable information. The volume will be a special boon to students who do not have access to the various censuses of the United States beginning with 1790.

Among the contributions to the May number of the *American Historical Magazine* are: the opening installment of *A History of Slavery* by Mrs. C. F. McLean; a sketch of *George Washington as a Real Estate Agent*, by Griffith Morris; some *Indian Legends of Belle Isle and Bois Blanc*, by Elizabeth L. Stocking; *Some Political Letters of the Reconstruction Days Succeeding the Civil War*, contributed by Duane Mowry; and an article on *A Moravian Mission to the Western Indians*, by T. J. Chapman. With the July number the name of the publication is changed to *Americana*, and in the future it will be issued monthly instead of bi-monthly. The July

number contains a good variety of articles, among which may be mentioned *How Dolly Madison Outwitted the British*, by Helen Harcourt; and *The Need of Science in American Family Rule*, by Florence Hull Winterburn, the new editor of *Americana*. In the August number there are some continuations and several brief articles on a variety of subjects.

The *Conservation of Natural Resources* is the subject to which the May number of *The Annals of the American Academy of Political and Social Science* is devoted. The four parts into which the discussion is divided deal with the conservation of forest, water, land, and mineral resources respectively, and there are a number of articles under each heading by eminent authorities. In the July number of the *Annals* the important subject of *Race Improvement in the United States* is discussed in its various phases. The supplement contains *The Consumer's Control of Production: The Work of the National Consumer's League*.

An interesting discussion of the *Historical Significance of the Term "Cabinet" in England and the United States*, by Henry Barrett Learned, is the opening contribution to the August number of *The American Political Science Review*. Robert Bruce Scott is the writer of an article on *The Increased Control of State Activities by the Federal Courts*. Under the heading of *The Law of the Constitution*, Edmund M. Parker presents a review of a new and enlarged edition of Professor Dicey's well known work, which appeared last year. *The New York Direct Primaries Bill of 1909*, by Arthur Ludington, is an article of interest in these days of primary election agitation. Margaret A. Schaffner's *Notes on Current Legislation* cover a great variety of subjects and will be found valuable. An *Index to Recent Literature — Books and Periodicals*, as usual, is an important feature of the Review.

#### WESTERN

Among the articles in the May-June number of the *Records of the Past* are: *The Bushmen as Existing Representatives of the Palaeolithic Races*; part one of *Aztec Ruins in Southern Mexico*, by Louis M. N. Forsyth; and *Traces of a Vanished Race in Kandiyohi County, Minnesota*, by Horatio Gates.



*A History of Illinois*, by L. E. Robinson and Irving Moore, is a recent publication of the American Book Company which is of western interest.

Bulletin number forty-one of the Bureau of American Ethnology consists of a monograph on *Antiquities of the Mesa Verde National Park: Spruce-Tree House*, by Jesse Walter Fewkes.

*Comparative Legislation Bulletin* number twenty of the Legislative Reference Department of the Wisconsin Library Commission is devoted to a discussion of *Accident Insurance for Workingmen*, by Reuben McKittrick.

In the March-May number of *The American Antiquarian and Oriental Journal* William Gardner contributes a brief article on *Old Races Unearthed* in which he tells of some interesting archaeological discoveries in Nebraska.

Among the articles in the July number of *The University of California Chronicle* are: the *Commencement Address* delivered on May 12, 1909, by Benjamin Ide Wheeler; and a discussion of *The Irish Influence in Civilization*, by Charles Mills Gayley.

Volume two number three of *The University of Missouri Studies* in the Social Science Series contains a short monograph on *The Origin of the Werewolf Superstition*, by Caroline Taylor Stewart. The fourth number of this volume is a study of *The Transitional Period, 1788-1789, in the Government of the United States*, by Frank Fletcher Stephens.

#### IOWANA

A series of interesting articles on the *History of the Tariff*, by Dwight G. McCarty, appeared during the summer in *The Palo Alto Tribune* published at Emmetsburg, Iowa.

Felix H. Pickworth is the writer of an article entitled *Our Treatment of Lawbreakers; Is It Reformatory?*, which is reprinted in pamphlet form from the *Bulletin of Iowa State Institutions* for July.

*The Old Settler of Linn County Iowa* is the title of a twenty-four page pamphlet containing the roster of the officers and mem-



bers of the Old Settlers' Association of Linn County since the organization of the Association in 1891. The years in which the members came to Linn County are indicated, and an amazingly large number are shown to have settled there before Iowa became a State.

The number of the *Proceedings of the Davenport Academy of Sciences* published in May consists of a monograph by Frederick Starr, entitled *Ethnographic Notes from the Congo Free State: An African Miscellany*.

A number of sketches of *Iowa in the Civil War*, by L. F. Andrews, have been appearing in *The Midwestern* during the summer. In the August number there is an article on the *Society of the Colonial Wars*, by Malcolm MacKinnon.

In an article on *Education* in the July number of the *Journal of History* published at Lamoni, Iowa, Heman C. Smith states the attitude of the Church of Jesus Christ of Latter Day Saints toward education. Other articles are: *Causes of Trouble in Jackson County, Missouri, in 1833*, by Heman C. Smith; a continuation of the same writer's discussion of the *Stockbridge Indians*; and another installment of the *Autobiography of Charles Derry*.

In the July number of *Midland Municipalities* there are printed some *New Municipal Laws* passed by the General Assembly of Iowa at its last session. There is also a statement by Dr. Thomas, Secretary of the State Board of Health, explaining his position in the recent controversy with the osteopaths. In the August number may be found *Opinions from the Attorney General's Office*; an article on the *Purchase of Coal by Heat Units*, by E. W. Bemis; and a discussion of *Contributory Negligence*, by Howard C. Lake. *Stream Pollution in America* is the title of an article in the September number.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Archibald, Andrew Webster,

*Easter Hope*. Boston: S. D. Towne: 1909.

Bashford, Herbert,

*At the Shrine of Song*. San Francisco: Whitaker & Ray-  
1909.

- Benton, Guy Potter,  
*The Real College*. Cincinnati: Jennings & Graham. 1909.
- Bowman, Melville Leroy, and Crossley, Bruce W.,  
*Corn: Growing, Judging, Breeding, Feeding, Marketing*.  
Ames: Published by the authors. 1909.
- Brown, Charles Reynolds,  
*The Young Man's Affairs*. New York: Thomas Y. Crowell &  
Co. 1909.
- Cobbey, Joseph Elliott,  
*Cobbey's Compiled Statutes*. Beatrice, Nebraska: Published  
by the author. 1909.
- Cooley, Roger W.,  
*Handbook on the Law of Persons and Domestic Relations*. St.  
Paul: West Publishing Co. 1909.
- Flom, George T.,  
*A History of Norwegian Immigration to the United States*.  
Iowa City: Privately printed. 1909.
- Franklin, William Suddards,  
*Light and Sound: A Text-Book for Colleges and Technical  
Schools*. New York: The Macmillan Co. 1909.  
*Dynamos and Motors*. New York: The Macmillan Co. 1909.
- Fultz, Francis M.,  
*The Fly-aways and Other Seed Travelers*. Bloomington:  
Public School Publishing Co, 1909.  
*Out of Door Studies in Geography*. Bloomington: Public  
School Publishing Co. 1909.
- Gilbert, Barry (Joint author with Floyd R. Mechem),  
*Cases on Damages, Selected from Decisions of English and  
American Courts*. St. Paul: West Publishing Co. 1909.
- Hinkhouse, J. F.,  
*The Beloved*. Fairfield: Fairfield Ledger. 1909.
- Johnston, Howard Agnew,  
*Victorious Manhood*. New York and Chicago: Fleming H.  
Revell & Co. 1909.
- Knox, George H.,  
*Leadership*. Des Moines: Personal Help Publishing Co. 1909.

- Lillibridge, William Otis,  
*The Dominant Dollar.* Chicago: A. C. McClurg & Co. 1909.
- Marston, Anson,  
*Sewers and Drains.* Chicago: American School of Correspondence, 1909.
- Norton, Roy,  
*Toll of the Sea.* New York: D. Appleton & Co. 1909.
- Pickworth, Felix H.,  
*Our Treatment of Lawbreakers; Is It Reformatory?* Anamosa: Reformatory Press. 1909.
- Rogers, Julia Ellen,  
*Key to the Nature Library; with Practical Suggestions on the Every-day Use of the Volumes.* New York: Doubleday Page & Co. 1909.
- Sabin, Edwin L.,  
*Bar B Boys.* New York: Thomas Y. Crowell & Co. 1909.
- Thorington, James,  
*Refraction and How to Refract* (Fourth edition). Philadelphia: P. Blakiston's Sons & Co. 1909.
- Wade, Martin J.,  
*Selection of Cases on Malpractice of Physicians, Surgeons and Dentists.* St. Louis: Medico-Legal Publishing Co. 1909.
- Williams, Henry Smith,  
*Alcohol; How it Affects the Individual, the Community, and the Race.* New York: Century Co. 1909.
- Woodman, Hannah Rea,  
*Tumbleweed.* Poughkeepsie: Published by the author. 1909.

SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

*The Register and Leader*

- When the James Boys Robbed Corydon Bank in 1871, June 13, 1909.
- Sketch of Life of General William Duane Wilson, by L. F. Andrews, June 13, 1909.
- Sketch of Life of Col. M. T. V. Bowman, pioneer of Des Moines, by L. F. Andrews, June 27, 1909.
- Ames Semi-Centennial and Fourth Celebration, July 4, 1909.

- How Des Moines Won County and State Capitals, by L. F. Andrews, July 4, 1909.
- Old Letter of James Harlan, Echo of Fierce Fray, July 10, 1909.
- Sketch of Life of Charles Saylor, Sugar Expert, by L. F. Andrews, July 11, 1909.
- Sketch of Life of Thomas Wilson, July 11, 1909.
- H. H. Fairall — Twenty-Seven Years a Methodist Editor, July 11, 1909.
- Delhi and Its Scenes of Historic Interest, July 18, 1909.
- Colonel Joe McGarraugh — One of Polk County's Earliest Settlers, by L. F. Andrews, July 18, 1909.
- Thomas H. McBride and Samuel Calvin — Two Iowa Scientists Who Have Achieved Fame, July 18, 1909.
- Sketch of Life of Philander Smith, by L. F. Andrews, August 1, 1909.
- A Burlington Street in Pioneer Days, August 1, 1909.
- Sketch of Life of Thompson McCaughan, August 1, 1909.
- When Settlement of Kanesville, Iowa, Was New and Unregenerate, August 8, 1909.
- Wm. Zinsmaster, Pioneer Des Moines Business Man, by L. F. Andrews, August 8, 1909.
- Peter Miles Shot Many Buffalo in Iowa, August 8, 1909.
- History of the Eighth Iowa Cavalry, August 15, 1909.
- Ankeny Family, Widely Known Pioneers, by L. F. Andrews, August 15, 1909.
- Mrs. Ann Dickens — Oldest Woman in Iowa, August 15, 1909.
- In Days When Horse Thieves Had Way Stations Near Boone, August 22, 1909.
- Sketch of Life of John Stuart Dean, by L. F. Andrews, September 5, 1909.
- Cane Made from Hull of Perry's Flagship, by L. F. Andrews, September 19, 1909.
- Sketch of Life of Henry Beecroft of Council Bluffs, September 19, 1909.
- Capt. W. L. Clark, Iowa's Very Earliest Settler, September 19, 1909.



*The Burlington Hawk-Eye*

Story of William P. Elliott's Experience During the Civil War,  
June 27, 1909.

Some Civil War Sketches, by Morris Schaff, July 11, 1909.

Iowans' Names in Southern War Records, July 11, 1909.

When Des Moines County was Partly Under a River, July 11, 1909.

Memories of old Barret House in Burlington, July 11, 1909.

Burlington in 1869, July 14, 1909.

The Bison in Iowa, July 18, 1909.

A War Time Bear Story, by William P. Elliott, August 1, 1909.

"Buffalo Bill," a Product of the Hawkeye State, August 8, 1909.

James Cruikshank, Iowa's Oldest Living Native, August 8, 1909.

Romance of a Hundred Years — Sketch of Life of Mrs. Katherine  
Lewis, August 22, 1909.

Col. David Palmer Tells of Some Civil War Experiences, August  
22, 1909.

William Salter — Eventide of a Long and Useful Ministerial Ca-  
reer, August 29, 1909.

How Kirkwood Cowed a Mob, August 29, 1909.

When Tama Jim Resigned to Honor U. S. Grant, September 5,  
1909.

*The Sioux City Journal*

The Story of Pella: The Plymouth Rock of Iowa, June 20, 1909.  
Seventy-Six Years in Iowa — Mrs. Ann D. Dickens, the Oldest Set-  
tler in the State, June 20, 1909.

Sioux City: A Story of Sixty Wonderful Years, June 30, 1909.

History of Sioux City Corn Palaces, June 30, 1909.

Pioneer Bankers of Sioux City, June 30, 1909.

History of the Bench and Bar of Woodbury County, June 30, 1909.

Sioux City Real Estate Forty Years Ago, June 30, 1909.

First Railroad to Sioux City, June 30, 1909.

Some Newspaper History of Sioux City, June 30, 1909.

Early Days of the City Council of Sioux City, June 30, 1909.

History of the Journal, June 30, 1909.

City Officials for Fifty Years, June 30, 1909.

Jonathan P. Dolliver Tells the Story of his Life, July 25, 1909.

Leaves from the Recollections of an Iowa Pioneer — L. F. Andrews, August 1, 1909.

Sketch of Life of J. C. C. Hoskins, a Pioneer of Sioux City, August 14, 1909.

A Half Century in Iowa — Sketch of Life of Isaac Brandt, August 22, 1909.

*The Dubuque Telegraph-Herald*

Memories of Old Coates' Theater, an Historic Landmark, June 13, 1909.

Early Day Racing on the Mississippi, June 13, 1909.

How Fourth was Celebrated at Dubuque Years Ago, July 4, 1909.

Blood Relative of Julien Dubuque Tells of Canadian Family's History, July 25, 1909.

Mrs. Larry Jennings — Oldest Living Settler in Iowa, August 1, 1909.

Dubuque in the Pioneer Days, August 18, 1909.

Iowa to Honor Memory of Ansel Briggs, State's First Governor, September 12, 1909.

## HISTORICAL SOCIETIES

### PUBLICATIONS

*The Virginia Magazine of History and Biography* for July contains continuations of documentary material relating to the colonial history of Virginia.

The July number of *The Medford Historical Register* is almost entirely taken up with an entertaining article on *A Pioneer Railroad and How It Was Built*, by Moses W. Mann.

*Bulletin* number five of the North Carolina Historical Commission contains an illustrated sketch of *The Great Seal of the State of North Carolina*, by J. Bryan Grimes.

The *Annual Report of the Connecticut Historical Society*, which was presented in May, 1909, consists of the President's address, the reports of various officers, and a list of members.

The belated March number of *The Quarterly of the Oregon Historical Society* is entirely taken up with *Documents Relative to Warre and Vavasour's Military Reconnoissance in Oregon, 1845-6*, edited by Joseph Schafer.

*The Annual Report of the Essex Institute for the Year Ending May 3, 1909*, contains the president's address, a list of officers and members, reports of officers, and lists of additions to the collections of the Institute.

In the April number of *The "Old Northwest" Genealogical Quarterly* the opening contribution is entitled *Charles Aldrich — A Memorial Sketch*, by S. C. Derby. A number of genealogical articles complete the contents.

The biennial *Handbook* of the American Historical Association for 1909 was issued in April. It contains information concerning the Association and its activities, together with complete lists of officers, committees, and members.

*The Wyoming Valley and Union Sentiment in the American Revolution* is the title of an address by Claude Halstead Van Tyne, which is printed in the *Report of the Proceedings of the Wyoming Commemorative Association* for 1909.

In the April-July number of *The Wisconsin Archeologist* George A. West presents an interesting discussion of *Chipped Flint Perforators of Wisconsin*; and Edson C. Smith contributes some *Suggestions of Mexico in the Mound Relics*.

*The James McBride Manuscripts: Selections Relating to the Miami University*, arranged and edited by John Ewing Bradford, occupy the April-June number of the *Quarterly Publication of the Historical and Philosophical Society of Ohio*.

J. Hanno Deiler's study of *The Settlement of the German Coast of Louisiana and the Creoles of German Descent* is concluded in the July-August number of the *German American Annals*. There is also a continuation of the story of the *Germans in Texas*, by Gilbert G. Benjamin.

*Early Mile-Stones Leading from Boston, and Mile-Stones at Groton*; and *Slavery at Groton, Massachusetts in Provincial Times*, are the subjects of papers read before the Massachusetts Historical Society in January and March, 1909, by Samuel Abbott Green. These papers are now printed in pamphlet form.

*John Calvin and the Psalmody of the Reformed Churches*, by Louis F. Benson; *Conewago Presbyterian Church*, by Jacob Weidman; and a pastoral letter printed under the heading, *Presbyterians and the Revolution*, are among the contributions to the *Journal of the Presbyterian Historical Society* for September.

Among the contributions to the July number of *The New York Genealogical and Biographical Record* may be mentioned a biographical sketch of *John Harsen Rhoades*, by Hopper Striker Mott; a continuation of *Clues from English Archives Contributory to American Genealogy*, by J. Henry Lea and J. R. Hutchinson; a brief genealogy of *The Dutcher Family*, by Walter Kenneth Griffin; and the *Church Register of the Walpeck Congregation*.



Besides a biographical sketch of Francis Philip Fleming the April number of *The Florida Historical Society Quarterly* contains an article on *Pensacola: Its Early History*, by Mrs. S. J. Gonzalez; the beginning of a biographical sketch of *Senator David Levy Yulee*, by C. Wickliffe Yulee; and a number of shorter contributions.

The first part of number twenty-four of the *Filson Club Publications* contains an entertaining account of *The Life of James Francis Leonard, the First Practical Sound-Reader of the Morse Alphabet*, by John Wilson Townsend. In the second part there is a *Biographical Sketch of Colonel Joseph Crockett*, by Samuel W. Price.

Among the contributions to the July number of *The South Carolina Historical and Genealogical Magazine* are a continuation of *Letters from Commodore Alexander Gillon in 1778 and 1779*; a transcript of *Records Kept by Colonel Isaac Hayne*; and an *Account of the Loss of the Randolph as Given in a Letter from Rawlins Lowndes to Henry Laurens*.

*Samuel Champlain and the Lake Champlain Tercentenary*, by Henry W. Hill; *Immigration to Vermont*, by John E. Goodrich; *Life, Character and Times of Ira Allen*, by Daniel P. Thompson; and an *Address Before the Vermont Historical Society by Daniel P. Thompson, October 24, 1850*, are the papers and addresses printed in the *Proceedings of the Vermont Historical Society for the Years 1908-1909*.

The *Deutsch-Amerikanische Geschichtsblätter* for July opens with an article on *Der deutsche Protestantismus in Amerika* by Wilhelm Müller. Following this there is a sketch of the life of *Gottlieb Theodor Kellner*, by C. F. Huch. Then come a number of extracts *Aus alten Zeitungen*; a continuation of *Heinrich Bornmann's Geschichte der Deutschen Quincy's*; and a sketch of *Deutsche Familien-Namen in Nord-Carolina*.

In the *Proceedings of the Bunker Hill Monument Association* for 1909 may be found the address of the President, John Collins Warren, on *The Historical Exhibit in the Monument Lodge*; an

address on *Early Experiments in Paper Money in America*, by Andrew McFarland Davis; and a communication from Horace N. Fisher which consists of copies of a number of letters from the manuscript collection at the Artemas Ward homestead.

The *Military Journal Kept in 1777, During the Rhode Island Expedition*, by John Goodwin of Marblehead, Mass., is the opening contribution to the July number of the *Historical Collections of the Essex Institute*. There is a continuation of the *Records of the Vice-Admiralty Court at Halifax, Nova Scotia*. An article by Herbert E. Valentine on *The Amphions*; a number of *Revolutionary Letters Written to Colonel Timothy Pickering*, and two other contributions of a documentary nature complete the number.

In the January-April number of the *Proceedings of the New Jersey Historical Society* there are a number of brief biographical sketches of *New Jersey Chaplains in the Army of the Revolution*, by Rev. F. R. Brace; and *Some Unpublished Revolutionary Manuscripts* taken from the collection of Mr. William Nelson. The latter contribution is continued in the July number where may also be found the minutes of *The New Providence Academy* from 1817 to 1832, and a tribute to the memory of *Miss Marie Antoinette Quinby*, by Mrs. Thomas J. Craven.

Number eighteen of the *Publications of the American Jewish Historical Society* contains the following excellent articles: *The Early History of the Jews in New York, 1654-1664*, by Samuel Oppenheim; *A Burial Place for the Jewish Nation Forever*, by Rosalie S. Phillips; *A Memorial of Jews to Parliament Concerning Jewish Participation in Colonial Trade, 1696*, by Max J. Kohler; *Notes on the History of the Jews in Barbados*, by N. Darnell Davis; *The Jews' Tribute in Jamaica*, by George Fortunatus Judah; and *Notes on the History of the Jews in Surinam*, by P. A. Hilfman.

The July number of the *Missouri Historical Review* opens with a continuation of *Some Historic Lines in Missouri*, by John L. Thomas, which is largely devoted to a discussion of the famous Missouri-Iowa boundary dispute. Joab Spencer writes of *Missouri's Aboriginal Inhabitants*, and there is a third installment of William

S. Bryan's sketch of *Daniel Boone in Missouri*. *A Historical Sketch of the Presbyterian Church in Columbia, Missouri*, by William F. Switzler; and *A Few of the Colonial and Revolutionary Ancestors of Mrs. Jessie Benton Fremont*, by Emma S. White, are other contributions.

The *Sixteenth Biennial Report of the Board of Directors of the Kansas State Historical Society* reveals commendable activity on the part of this society during the biennial period ending June 30, 1908. Perhaps the most interesting information contained in the volume, to the outsider, are the accounts of the marking of the Santa Fe Trail; a paper on *Memorial Monuments and Tablets in Kansas*, by George W. Martin; and a sketch of *The Early History of the Seventh Kansas Cavalry*, by S. M. Fox. The work of the society in all its phases is fully presented in reports by the various officers.

Among the contributions to the June number of the *Maryland Historical Magazine* are: *Early Career of Governor Francis Nicholson*, by Charles William Sommerville; *Action Between American and British Barges in the Chesapeake Bay, November, 1782*, which consists of documents taken from the Society's collections; *Resistance to Stamp Act*, prepared by Richard D. Fisher from documents in the Public Record Office, London; *Francis Scott Key as a Churchman*, by Clarence C. Wroth; and *Lieut. Gorrell's Journal* of his experience while commander of a post on Lake Michigan in 1761-1763, parts of which have never before been published.

Among the more extended articles in volume five, part two, of the *Historical Records and Studies* published by the United States Catholic Historical Society are: *Governor Edward Kavanagh*, by Charles W. Collins; *The Capuchins in America*, by Otto Jeron; *The Rev. John Kelly*, by Henry A. Brann; *Old Saint Peter's or The Beginnings of Catholicity in Baltimore*, by J. A. Frederick; *The Catholic Bar of New York from 1808 to 1908*, by Edward J. McGuire; the concluding chapter of *Constitutional Freedom of Religion and the Revivals of Religious Intolerance*, by Peter Condon; and *Personal Letters of Rev. P. J. De Smet*, translated by John E. Cahalan.



The July number of *The Pennsylvania Magazine of History and Biography* contains some valuable original material of the Revolutionary period. The first contribution is the *Orderly Book of Gen. John Peter Gabriel Muhlenberg, March 26-December 20, 1777*. There is another installment of *Colonel Hubley's Journal, 1779*, edited by John W. Jordan, and then come a number of *Letters of William Penn*; some *Selections From the Letter-Books of Thomas Wharton, of Philadelphia, 1773-1783*; an article by John W. Jordan on *William Parsons, Surveyor General, and Founder of Easton, Pennsylvania*; and some extracts from the *Correspondence of General Edward Hand, of the Continental Line, 1779-1781*.

The July number of the *Ohio Archaeological and Historical Quarterly* opens with an account of *Explorations of the Seip Mound*, by William C. Mills. Articles which follow are: *The Centennial of Miami University*, by A. H. Upham; *Spiegel Grove, the Home of Rutherford B. Hayes*, by Lucy Elliot Keeler; *Auto-Sketch of Charles Williams*, who claimed to have been the first white settler on the site of the present city of Coshocton; and the address by Governor Andrew L. Harris at the time of the dedication of the Grant tablet at Point Pleasant, Ohio, on October 2, 1907. There is also a very entertaining sketch of *Washington's First Battle Ground*, by E. O. Randall, Editor of the *Quarterly*.

*The Christian Church and Slavery in the Middle Ages* is the title of an article by Frederick Pijper in the July number of *The American Historical Review*. Wilbur C. Abbott contributes a second installment of *English Conspiracy and Dissent, 1660-1674*, which completes the study. *Chatham, 1708-1908*, is the subject discussed by Charles W. Colby. There is a continuation of the paper on *The South Carolina Federalists*, by Ulrich B. Phillips; while Ephraim D. Adams writes an excellent article on *English Interest in the Annexation of California*. Under the heading of documents there may be found *Texts of Columbus's Privileges*, edited by Frances G. Davenport; and *South Carolina Federalist Correspondence, 1789-1797*, contributed by Ulrich B. Phillips.

A biographical sketch of *Judge John F. Dillon*, by Edward H. Stiles, is begun in the April number of the *Annals of Iowa*. Al-



bert Newton Harbert is the writer of *A Review of Dr. Wilson's Swastika*. The "College Day" address on *Laying the Foundations*, delivered at the Iowa State College at Ames by Charles E. Bessey on October 20, 1908; a continuation of *Iowa and the First Nomination of Abraham Lincoln*, by F. I. Herriott; and an editorial appreciation of *Miss Mary R. Whitcomb* are the remaining articles in the April number. The July number opens with an article from the pen of the late Charles Aldrich on *The Building of An Autograph Collection*. Under the heading of *The Upper Des Moines Valley — 1848*, there is printed an interesting journal of an unknown writer. Following this there is the conclusion of the sketch of Judge Dillon. *Recollections of War Times*, by Col. David Palmer; and *Governor Kirkwood and the Skunk River War*, by Frank W. Eichelberger, conclude the number.

The *Journal of the Illinois State Historical Society* is proving more valuable with each succeeding issue. In the July number there may be found much interesting material relative to the history of Illinois. Besides a list of the officers and committees of the Society, an account of the annual meeting held May 13 and 14, 1909, and other editorial notes, George C. Broadhead contributes some *Interesting Extracts from Old Newspapers*; and under the heading, *A Statesman's Letters of the Civil War Period*, Duane Mowry contributes a number of letters written by Senator Lyman Trumbull to Senator James R. Doolittle of Wisconsin. *Two Letters from Gov. Ninian Edwards*, contributed by Louise I. Enos; and *Extracts from the Journal of Captain Harry Gordon*, who made a journey down the Ohio River to the Illinois country in 1766, complete the contents of a documentary character. In addition there is a description of the *Dedication of George Rogers Clark Monument at Quincy, Illinois*, by H. W. Clendenin; and the third installment of J. F. Snyder's *Prehistoric Illinois; Certain Indian Mounds Technically Considered*, in which are discussed the temple or domiciliary mounds.

#### ACTIVITIES

Professor M. D. Learned is in Germany gathering material relative to the German emigration to the United States for the Depart-

ment of Historical Research in the Carnegie Institution. Mr. Waldo G. Leland has also returned to Paris to complete the work begun by him in the archives there.

The Archives Department of the Indiana State Library has been forced to suspend activities because the last legislature of the State failed to provide for a continuation of the work.

The Mississippi Valley Historical Association has issued a folder containing a list of the officers, a description of the organization and objects of the Association, and an outline of proposed activities during the coming year and in the future.

The Texas Library and Historical Commission is a new historical agency created by an act of the last legislature of Texas. This commission will consist of the head of the school of history in the University of Texas, the superintendent of public instruction, and three other members appointed by the governor.

The Lucas County (Iowa) Historical Society held its annual meeting on June 10. The following officers were elected: President, Warren S. Dungan; Vice President, John H. Darrah; Secretary and Treasurer, Mrs. F. H. Boynton; Curator, Mrs. E. L. Hickman; Board of Directors, Miss Margaret W. Brown, Mrs. E. L. Hickman, John H. Darrah, and Walter Dewey. The Society has been making a systematic canvass for funds with which to purchase cases in which to preserve its manuscripts and other historical material.

#### THE STATE HISTORICAL SOCIETY OF IOWA

Mr. Jacob Van der Zee is engaged in gathering material for a history of the Hollanders in Iowa.

A biography of Thomas Cox, written by Mr. Harvey Reid of Maquoketa, is now in press and will be distributed in the near future.

The following persons have recently been elected to membership in the Society: Mr. John Wilson Townsend, Lexington, Kentucky; Mr. Martin J. Wade, Iowa City, Iowa; Professor C. R. Shatto,

Toledo, Iowa; Mr. H. E. C. Ditzen, Davenport, Iowa; and Mr. Elmer E. Johnston, Iowa City, Iowa.

Miss Clara Daley, a member of the Society, has been appointed to an instructorship in history at The State University of Iowa for the current year.

Mr. John Wilson Townsend, of Lexington, Kentucky, a member of the Society, is the author of *The Life of James Francis Leonard*, which appears in a recent number of the *Filson Club Publications*. Other works by Mr. Townsend are: *Richard Hickman Menefee*, and *Kentuckians in History and Literature*.

## NOTES AND COMMENT

It is expected that *The History of the Twenty-Second Iowa*, by S. D. Pryce, will soon be published.

The town of Marengo, Iowa, is making plans for the celebration of its semi-centennial on October 14, 15, and 16.

It is proposed that a Universal Races Congress be held at London in October, 1910, for the purpose of promoting friendly relations between all races and nations.

The National Civic Federation has issued a call for a national conference to meet at Washington, D. C., early in January, 1910, for the purpose of considering the subject of uniform state legislation.

The University of Illinois is performing a valuable service in the interest of western history by having copies made of documents relating to the West from 1763 to 1775, which are found in the Public Record Office in London.

Mr. Fred Moerschel, a member of the Board of Trustees of the Community of True Inspiration at Amana, died on August 19, 1909. He was born at Marienborn, Germany, and came to Amana in 1859. For a half century he has been a leader in the Community.

Mrs. Ann Dickens, who came to the Iowa country in 1833, died at her home at North McGregor, Iowa, on September 5, 1909. Mrs. Dickens at the time of her death was said to be the oldest Iowan in point of number of years lived within the bounds of the State.

A move in the direction of increasing the efficiency of our diplomatic service has recently been made by the Department of State. A School of Diplomacy has been established at Washington, for the purpose of giving instruction to new appointees in the service.

This summer has witnessed two notable and elaborate celebrations in the State of New York. In conjunction with the State of



Vermont the Lake Champlain Tercentenary was observed during the week of July 4-10. September 25 and October 9 are the inclusive dates of the more extended Hudson-Fulton Celebration.

A monument to Ansel Briggs, first Governor of the State of Iowa, was dedicated at Andrew in Jackson County on September 22, 1909. It will be remembered that largely through the efforts of Mr. J. W. Ellis, of Maquoketa, the last General Assembly of Iowa made an appropriation to defray the expenses of removing the remains of the old Governor from Nebraska to Iowa soil.

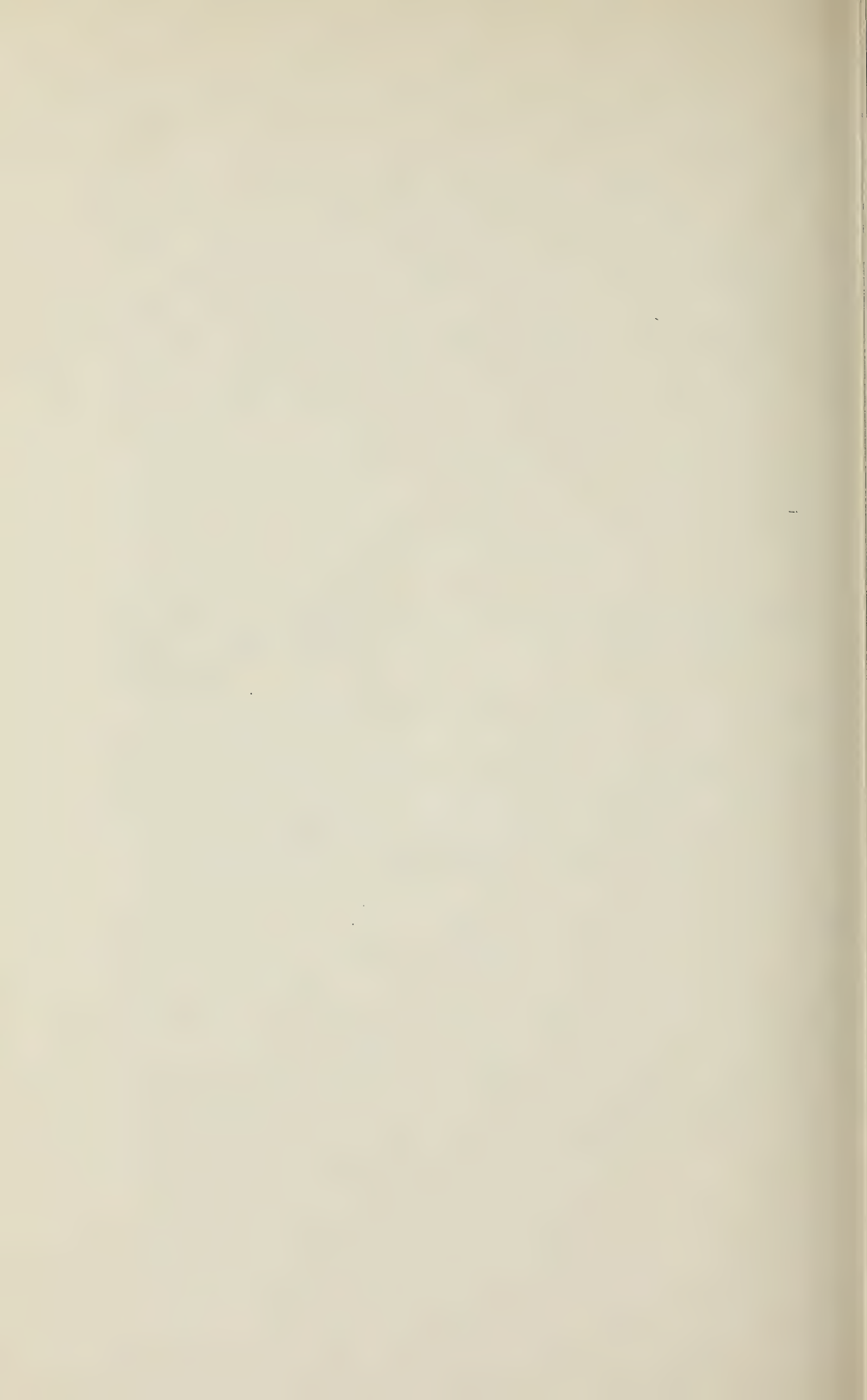
A number of old settlers' reunions have been held in Iowa during the past three months. Among them may be mentioned the old settlers' picnic at Boone on August 11; the reunion at St. Charles on August 12; the fourth annual pioneers' day under the auspices of the Webster County Historical Society at Fort Dodge on August 18; and the meeting of the Old Settlers' Association of Boone, Greene, Guthrie, and Dallas Counties near Dawson on August 18 and 19.

On Saturday, July 3, 1909, the people of Boone and Story counties united in celebrating the semi-centennial of the location of the Iowa State College of Agriculture and Mechanic Arts at Ames. It was in 1858 that the General Assembly made an appropriation of ten thousand dollars for the purchase of a farm on which an Agricultural College might be located. In the following year a farm was purchased in Story County, the people of that county as well as of Boone County increasing the amount of the appropriation by personal donation. The College, however, did not open its doors to students until 1868, since which time it has prospered and has become one of the largest and best institutions of the kind in the country. At the celebration Mr. Daniel McCarthy, who had charge of the arrangements for a similar celebration on the same spot fifty years ago, was President of the Day. Furthermore, John A. Hull, the Orator of the Day, is the son of the man who delivered the oration in 1859.

## CONTRIBUTORS

ETHYL E. MARTIN, Clerk to the Superintendent of The State Historical Society of Iowa. Born near Decatur, Illinois, January 5, 1887. Graduated from the High School at Winterset, Iowa, in 1904. Student at The State University of Iowa.

JOSEPH W. RICH, Member of the Board of Curators of The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS, for January, 1908, p. 159.)



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TO THE  
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